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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

SENATE—*Wednesday, May 8, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Come and find the quiet center
In the crowded life we lead,
Find the room for hope to enter,
Find the frame where we are freed;
Clear the chaos and the clutter,
Clear our eyes, that we may see
All the things that really matter
Be at peace and simply be
—*Hymn "Come Find the Quiet Center" by Shirley Erena Murray.*

Father, thank You for this sacred moment of prayer. We come to You just as we are and receive from You the strength to do what You want us to do. We trust You to guide us throughout this day. Keep us calm in the quiet center of our lives so that we may be serene in the swirling stresses of life. Fill us with Your perfect peace that comes from staying our minds on You. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, the time between now and 10 o'clock will be equally divided prior to a cloture vote at 10 a.m. on H.R. 2937, the White House Travel Office legislation. If cloture is not invoked at 10 o'clock, it may be possible to consider any of the following items: Gas tax legislation, taxpayer bill of rights, minimum wage legislation, and TEAM Act. We hope to have some resolution of these matters today.

I again say it is rather ironic that we are prepared to accept the minimum wage proposal offered by my colleagues on the other side of the aisle. We are prepared to repeal the gas tax that my colleagues on both sides of the aisle would like to repeal, the Clinton gas tax which was not for highways or bridges or roads, but for deficit reduction, and was part of the larger $268 billion tax increase in 1993, the largest tax increase in the history of the world, let alone America. We do not understand why our colleagues, who I think want to do those things, would be holding it up because of one little amendment we offered called the TEAM Act, which simply says employees can talk to employers.

This is America. But of course the labor bosses, who put $35 million, just lately, into the pot on the other side of the aisle, said we do not like that. So when the labor bosses speak, our colleagues on the other side say yes—yes, sir.

So if we are going to let the labor bosses dictate repeal of the gas tax, the increase in the minimum wage because they dislike one provision that simply says that employees can talk to employers, then I think it is a rather sad state of affairs. We hope to debate that at length today, because I believe the American people, once they understand this issue, will be on the right side.

If some employee has a good idea on productivity or whatever it may be, why can that employee not talk to management? Because since 1992 the NLRB says you cannot do that. We are simply trying to change the law. We think it is good policy. We think it makes a lot of good, common sense. We believe it improves the working relationship in the workplace. For all the reasons I can think of, we hope to be able to persuade our colleagues on the other side that this is a package that should pass this Senate by 100 to 0.

Perhaps they are waiting for the liberal media to put their spin on it, but it is pretty hard to even put—they do not have a spin. Even the liberal media, who wait for the Democrats' spin and then print it almost verbatim on a daily basis around here, find it very difficult. Because we are going to accept their package on minimum wage, our package on gas tax repeal. Then we had TEAM Act and we are ready to vote, after an hour debate on each side. We have even provide they can have a separate vote on minimum wage and a separate vote on TEAM Act.

Some may not want to vote for the minimum wage increase so we provide for that. Some may not want to vote for TEAM Act, so we provide for that. So we have gone not only the extra mile, but miles and miles beyond.

We hope there could be some resolution of this today. If not, we will take our case to the American people and we will continue the debate throughout today and tomorrow and Friday. Hopefully, sooner or later, our colleagues will recognize this is a very fair and very reasonable proposal we have made and it should have unanimous support in the Senate.

Mr. GRAMS addressed the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). If the Senator from Minnesota will suspend for a moment, under the previous order, the leadership time is reserved.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate to be equally divided.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I wish to address the Senate as in morning business for the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. Thank you, Mr. President. I yield the floor.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself the leader's time. How much time is there of the minority leader's time?

The PRESIDING OFFICER. It would take unanimous consent to yield leader's time, to take 10 minutes.

Mr. KENNEDY. Mr. President, I have been informed by the leader that he is willing to let me have the leader's time prior to vote on the cloture.

The PRESIDING OFFICER. The Senator may have that.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time?

The PRESIDING OFFICER. The Senator will now have 11 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Over the period of the last 24 hours, there have been a series of different proposals for Senate action that I hope will eventually be resolved. One deals with the minimum wage, which we have tried to raise at different times over the period of the last year and a half and have been denied the opportunity for a vote up or down.

I understand we will have a chance to vote on, hopefully, the gas tax. There are other measures on education that I had hoped we could have included as well. But I want to speak right now on another issue which had been talked about earlier today and certainly yesterday, and that is the Anti-Workplace Democracy Act, otherwise known as the TEAM Act.

We have really not had the opportunity for much debate and discussion on that measure, and I will just take a few moments now to raise some of the very important questions that I think this legislation effectively raises. That is, whether this legislation is really what it is suggested to be, and that is just legislation to permit cooperation between employers and employees in order to deal with a lot of the issues that might be in the workplace, and, as we have seen, as I stated yesterday, the type of cooperation which has been talked about here on the floor as being the reasons for that cooperation is already taking place. It has been included and recognized in the findings of the bill itself and has also been referenced in the report itself where cooperation is taking place between management and workers.

There are only three areas where that kind of cooperation is not on the table and which would be altered and changed by the TEAM Act, and that is with regard to wages and working conditions. That has been recognized to be a position since the time of the 1930's to be issues reserved to representatives of employees. Effectively, that is the rock upon which workers are able to negotiate their working conditions and also their wages, and the matters that will affect their take-home pay and what will be available to them to protect their interests and their families.

So the idea that this is just legislation that is going to move us into the next century and increase America's capacity to compete is a false representation.

It is interesting to me that Republicans and Democrats alike stood so strong with Solidarity and Lech Walesa. Why did they stand with Lech Walesa? Why did they stand with Solidarity? There were unions in Poland. They were government/employer-controlled unions. There was not union democracy. I can remember hearing the clear, eloquent statements by then-Republican George Bush that said, "We support democracy, and we support real workers' rights in Poland, and we support Solidarity."

Why did they support Solidarity? Because Solidarity represented workers. The TEAM Act effectively is going to be company-run union shops or company-run management teams. Does anybody in this body think that if they establish that an employer picks representatives of workers, pays their check, that those particular workers are going to buck the management that put them on the team? Of course, they will not. That is as old as the company-run unions that we had in the 1930's. That was the issue when this body debated the National Labor Relations Act in the 1930's and implemented that particular legislation.

That is what the issue is, plain and simple: Are we going to say that company CEO's and management are going to be able to dictate to the workers in this country exactly what their wages are going to be, or are we going to let employees represent their interests and go ahead and bargain with the employers as to what those wages and working conditions are going to be? It is just that simple.

The TEAM Act is effectively company-run unions. That is effectively what it is. No ifs, ands, or buts about it. It is so interesting to me, Mr. President, as someone who has followed the whole debate about company-run unions and antidemocracy representation in the workplace, where these organizations were when they had the Dunlop commission only a few years ago that was trying to look over the relationship between CEO's and companies and also the employees. The same groups that are supporting this legislation testified in that committee that they did not think there ought to be a change in the labor laws. The only thing that changed was the 1994 election and the Republicans gaining control in the House and the Senate. If you look over what presentations were made before the Dunlop commission, you would say they feel that the relationship between employer and employees is fine with them.

So, Mr. President, we ought to understand exactly what this is going to be. It is going to be the government-run kind of unions in a different way.

All of us fought for and wanted to see the restoration of democracy in Eastern Europe. Most of all, the Eastern European countries had government-run unions, effectively employer-run unions. And here in the United States, we were giving help and assistance to workers for worker democracy. Now we are saying on the floor of the U.S. Senate, "Well, we want the TEAM Act," and the TEAM Act effectively is going to eliminate the workers' rights in this country. No ifs, ands, or buts about it.

I hear on the floor of the U.S. Senate the central challenge that we are facing as we move to the end of this century is to give life to the 65 or 70 percent of Americans who are being left out and left behind.

I hear a great deal about income security, about job security being the issues that this country ought to address. I tell you something, you might as well write off those speeches if we are going to go ahead and pass the TEAM Act. Write them off. What you see is continued exploitation.

You talk about the battle for the increase in the minimum wage. Write that off, because you will give such power to the employers in this country that they will be able to write any kind of wage scale that they want. Does anyone think that the team makes the judgment and decision about workers' rights, about what the employees will get paid? Of course not. They make the

recommendation to the employer, and the employer decides. That is the principal difference: Whether the workers are going to be able to make that judgment and decision, sitting across the table from the employer, or whether the team is going to make a recommendation to the employer, then the employer will make the judgment.

Mr. President, with respect to all of our colleagues who talk about where we are going to go in terms of the U.S. economy, what we need to be able to compete in the world at the turn of the century is a mature economy with mature relationships between workers and employers and an economy which is going to benefit all of the workers and workers' families.

We are going in that wrong direction, as we have seen. The right direction for the wealthiest corporations, the right direction for the wealthiest individuals—we have seen the accumulation of wealth in terms of the richest individuals and corporations taking place in this country unlike anything we have seen. But those 65 or 70 percent of American working families are being left out and left behind. You pass this particular act and you will find that it will not be 65 or 70 percent, but it will be 80 percent. They will not just fall back somewhat; their whole life will be disrupted and destroyed with regard to their economic conditions.

Mr. President, we are entitled to have some debate and discussion on this issue because its implications in terms of working families are profound. It is basically an antiworker act. It ought to be labeled such. That is something that we ought to at least have a chance to debate and discuss.

Mr. HATCH. Mr. President, I have listened to my colleague. Nobody argues more forcefully for big labor than the distinguished Senator from Massachusetts.

Although I want to talk about the Billy Dale matter, I do have to say that most of what the Senator has said is pure Washington-inside labor line. The fact is, the NLRB went way beyond where it should have gone and took the rights of individual employees to meet with management to resolve problems that really have nothing to do with collective bargaining. It seems ridiculous to call this antidemocracy. Give me a break. What is antidemocracy is to close shop where 51 out of 100 employees want a union and the other 49 have to comply and have to pay dues and have to be part of the union whether they want to or not. That is not democracy.

On the other hand, what is wrong with management and labor being able to get together in teams and make the workplace a safer, better place to work in?

I had to say that because I listened to the distinguished Senator. He is eloquent and forceful. He just happens to be wrong.

Mr. President, why we are really here this morning is the Billy Dale matter. Billy Dale and his colleagues at the White House were very badly mistreated by greedy people who wanted to take over the White House Travel Office—and I might add, there is some indication that the travel offices of every agency in Government—so they could reap millions, if not billions of dollars of free profits at the expense of these people who had served eight Presidents over a pronounced period of time and had served them well, done a good job, and who Peat Marwick says did it in a reasonable manner.

They were mistreated. The law was used against them in an improper way. The FBI was brought in an improper way. I might add, the power of the White House was used against them, the power of the Justice Department was used against them. Virtually everybody who looks at it, especially those who look at it honestly, say this is a set of wrongs that ought to be righted. In the process, their lives happen to be broken because they are now stuck with all kinds of legal fees that would break any common citizen in this country.

We want to right that wrong. Yesterday, my colleagues on the other side voted en masse against cloture which would allow this matter to go to a vote. One of the arguments which was superficial and fallacious was they cannot even amend it. Of course they can. After cloture, germane amendments are in order. If they want to bring up a germane amendment to this Billy Dale bill, they are capable of doing so. That is just another false assertion and false approach.

I think it is time to do what is right around here. It is time to rectify these wrongs. It is time to do what is the right and compassionate thing. In all honesty, we have not been doing it as we listened to the arguments on the other side as to what should be done. It has been nearly 3 years since the termination of the White House Travel Office employees, and they are still in the unfair position of defending their reputations. It is time to close this chapter on their lives.

The targeting of dedicated public servants, apparently because they held positions coveted by political profiteers, demands an appropriate response. Although their tarnished personal reputations may never fully be restored, it is only just that the Congress do what it can to rectify this wrong.

This bill will reimburse Travel Office employees for the expenses of defending themselves against these unjust criminal persecutions. I call it "persecutions" even though there was a "prosecution" of Billy Dale.

The argument that invoking cloture will foreclose the option of amendments is nonsense. Germane amendments can still be offered, although I question why anyone would want to delay any further the compensation of these people who have been so unjustly treated. The argument that passing the Billy Dale bill will undermine the likelihood of seeing the Senate vote on the minimum wage increase is equally hollow. In fact, it is superficial and wrong.

Only yesterday the majority leader proposed a plan which would ensure a vote on the minimum wage increase this week, and my colleagues on the other side rejected it. My friends on the other side of the aisle should be careful about what they ask for because they might get it. That is what happened yesterday.

Here we are today, back on the Billy Dale bill, and their excuse for filibustering is still the minimum wage. Given the political transparency of this filibuster, I hope our colleagues will get together to do the decent and honorable thing and pass this important measure.

Let me say, I think it is almost unseemly my friends on the other side are saying we just want the minimum wage bill and you Republicans should not do anything else because we want this and we have a political advantage in talking about it. That is not the way it works around here. Of course, we are able to ask the majority, combined other good bill aspects, to make this bill even more perfect. Frankly, the repeal of the gas tax would do that. It will make it more perfect. The TEAM Act bill would certainly be more fair to employees throughout America, more fair to businesses throughout America, more fair in bringing economic cooperation among them, without interfering with the collective bargaining process. The NLRB is very capable of making sure that management does not abuse that problem.

For the life of me, I cannot see one valid or good argument about it. Bringing what happened in Eastern Europe does not necessarily cut the mustard here in America, where we have the most protective labor laws in the world. Rightly so. I have worked with those laws for years, long before I came to the Senate, and, of course, as former ranking member and chairman of the Labor Committee, worked with them during that period of time as well.

Mr. President, all of that aside, those are hollow arguments with regard to holding up this bill. I hope my colleagues on the other side are willing to vote for cloture so that we can pass the Billy Dale bill and go on from there, then face the minimum wage, the TEAM Act, gas tax reduction, and go on from there and do what is right.

The bottom line is that the minimum wage bill is controversial, should not be attached to a bill that has broad bipartisan support, that the President has said he will sign and support and that will right some tremendous wrongs that need to be righted.

The PRESIDING OFFICER. The minority has 52 seconds remaining.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. All time has expired. The mandatory quorum has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on H.R. 2937, the White House Travel Office bill shall be brought to a close.

The yeas and nays are required, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a live pair with the Senator from Vermont, [Mr. LEAHY]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent because of a death in the family.

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—45

Akaka	Byrd	Glenn
Baucus	Conrad	Graham
Biden	Daschle	Harkin
Bingaman	Dodd	Heflin
Boxer	Dorgan	Hollings
Bradley	Exon	Inouye
Breaux	Feingold	Johnston
Bryan	Feinstein	Kennedy
Bumpers	Ford	Kerrey
Kerry	Moseley-Braun	Robb
Kohl	Moynihan	Rockefeller
Lautenberg	Murray	Sarbanes
Levin	Nunn	Simon
Lieberman	Pryor	Wellstone
Mikulski	Reid	Wyden

PRESENT AND GIVING A LIVE PAIR

Pell, for

NOT VOTING—1

Leahy

The PRESIDING OFFICER (Mr. SANTORUM). On this vote the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

AMENDMENT NO. 3956 WITHDRAWN

Mr. DOLE. Mr. President, I withdraw amendment numbered 3956.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 3960 TO AMENDMENT NO. 3955

Mr. DOLE. I send an amendment to the desk, which is the text of the gas tax repeal, with the minimum wage language suggested by my colleagues on the other side of the aisle, and the TEAM Act, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3960 to amendment No. 3955, to the instructions of the motion to refer.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOLE. Mr. President, yesterday we discussed how we might resolve the issues at hand. So now we have an opportunity for all Members to repeal the gas tax, which I think has broad support, probably 80 votes, to adopt the minimum wage suggested by my colleagues on the other side of the aisle, 45 cents July 1 this year, 45 cents next July, and then adopt this small provision on the TEAM Act, which means that in America employees can talk to management, which I thought was sort of the American way. We are prepared to vote on the whole package right now. It would also reimburse Billy Dale and others who incurred legal expenses because of charges brought against them.

I should like to take this opportunity to support the Teamwork for Employees and Management Act. I think my colleague, the chairman of the Labor Committee, is in the Chamber, and she will be addressing that later.

It is hard to believe that in 1996, Federal laws tell employers and employees that they cannot work together in cooperative teams to jointly resolve issues of concern in the workplace. Since 1992, the National Labor Relations Act of 1935 has been interpreted to prohibit forms of collaborative discussions between groups of employees and management that deal with key issues such as workplace safety, productivity rewards and benefits, and job descriptions.

Does that make sense? No. And it does not make sense to most Americans. The TEAM Act simply allows common sense to reign in the workplace. Employees and employers can and should be able to resolve workplace issues among themselves without the fear of lawsuits.

So, why is the other side so exercised by this commonsense effort to help employees? Because of the big labor bosses. They see any effort to improve the workplace environment without their involvement as a threat. In other words, they do not want the employees to come up with any idea unless it goes through the labor bosses.

Suddenly, the minimum wage is not at all that important because somewhere, someplace, some employee might have an idea that improves productivity, that makes the workplace safer, all without the blessing of the labor bosses. So that is what this debate is all about. I am not certain, many of the employees even—in fact, I understand that some employees came to lobby people on the TEAM Act and they were asked what it was and they did not know what it was. Once it was explained to them, they did not see much wrong with it.

It might occur to some employee that he or she does not need a labor boss, that he or she can be their own boss. So, it is all about power. It is not about politics, it is about power. It is about contributions. It is about power. I think it is time we pass this package, increase the minimum wage, repeal the gas tax.

Yesterday at midnight tax freedom day ended. I hope that workers can have some control over their lives and workplace, the conditions in the workplace. I believe we ought to do everything we can to encourage this relationship, talking back and forth. We do it here from time to time. Sometimes we are able to work things out by talking to each other. If we cannot talk to each other, if employees cannot talk to management, I do not see how anything can be worked out.

In fact, President Clinton used to think so, too. I never cease to be amazed about how he can shift his positions, but even on this issue he had a position. In his State of the Union Address last January President Clinton said, "When companies and workers work as a team, they do better—and so does America."

Let me repeat that, because many people probably forgot that President Clinton said that. I bet he has forgotten that he said it. "When companies

and workers work as a team, they do better—and so does America." That is all the TEAM Act is. We have taken what President Clinton said in the State of the Union Message and drafted it so it is now a statute. So it is a Clinton provision, really, the TEAM Act. If President Clinton was right then, he is right now.

So what happened between January and May? The labor bosses called in and contributed $35 million. That is one thing that happened. I do not know what else happened. They may have also spent millions on television, attacking Republicans on Medicare and everything you can think of. A lot of the workers are now having their dues increased who may not want to participate in that process, who may want to vote for somebody else. They cannot be dictated to, anymore than we can dictate to anybody.

So, it seems to us that we have an issue here now. We are all set. We have accepted the minimum wage offer. We have accepted what the American people want; that is, repealing the gas tax, 4.3 cents, $4.8 billion a year. We pay for it. It does not add to the deficit.

But now we are hung up on whether or not we ought to focus on the American worker. If that worker has an idea, should that worker be able to go to his employer, or be with a group of workers? Apparently, my colleagues on the other side say you cannot do that in America, you cannot talk to each other. Employees cannot talk to employers. It does not interfere with the activities unions already have established in companies, and it leaves in place protection against sham unions. It simply extends to nonunion workers the rights union workers already have, to have an effective voice for change in the workplace.

So it seems to me that we have an opportunity here, now, to move this legislation forward. We are obviously not going to get cloture on the Billy Dale, the underlying bill. It was hoped that this amendment might be an incentive for everybody to move forward, end the gridlock. It used to be called gridlock by the liberal press when Republicans were holding up things, but I have not seen the word "gridlock" used by the liberal media in the past 15 months. They cannot spell it anymore, the 89 percent of those who cover us who voted for President Clinton.

But it is gridlock. We have had to file 63 cloture motions this year in an effort to move the Senate forward. Since it takes 60 votes and we only have 53, it is rather difficult. But I know the Washington Post will figure out somewhere to come down on the right side, the side of the liberals. So will the New York Times. So will the L.A. Times. So will the other liberal papers.

But this is an argument about workers, maybe some who work at the Washington Post; maybe they do not cover the Hill. Maybe some who work for the Washington Times; maybe they do not cover politics. This is about workers and it is about power and it is about power of the labor bosses. That is what this is about. I do not care how they report it, the word will go to the workers that we are prepared to say they have a right to talk. They can talk for themselves. They can exercise their first amendment rights. They do not give up their rights to free speech or to engage in discussion when they join a labor union.

So, it seems to me we have a package here that should be irresistible. If, in fact, the Senator from Massachusetts is serious about the minimum wage and if, in fact, those of us on both sides are serious about repealing the gas tax, as we are, this bill can be passed by noon and be on its way to the House. I think the Speaker would act expeditiously. It is going to take a while, July 1, the first increase in minimum wage—it is going to take a while to implement it to make all those things happen. It will take a while for the gas tax repeal to be implemented.

So, I hope that we can proceed, get an agreement, say an hour on each side. I ask unanimous consent that there be an hour on each side, that each side have 1 hour, there be no intervening amendments, and then we can proceed to vote on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Two hours? Two hours on each side?

Apparently there must be something other than the time that is the problem on the other side.

Mr. DORGAN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I will be happy to yield for a question.

Mr. DORGAN. For a question. Does the Senator from Kansas anticipate he will not allow an amendment on the gas tax proposal to make sure the consumers get the benefit of a gas tax reduction? My understanding is the request the majority leader made would preclude any amendments to be offered on the gas tax reduction issue; is that correct?

Mr. DOLE. We have a provision in the gas tax proposal that requires that a study has to be completed and that mandates that the savings go to the consumer. I do not know how—I would be happy to look at the amendment. In fact, we could probably agree on it. We have gone so far as to say if we get cloture on the amendment, we could have a separate vote on TEAM Act, so all my colleagues on that side could protect themselves and vote against it. We could vote for it. We have minimum wage, where I think some on each side are not certain how they are going to vote. So we would have a separate vote on minimum wage and a separate vote on TEAM Act. If we could agree now to have a cloture vote on the amendment without waiting until Friday, and get 60 votes on cloture, then we could have a separate vote on each. Some of my colleagues would probably like to vote against some portion of it; I do not know which. That would seem to be even going the extra mile.

I do not know how we can put into law, how we are going to mandate that in every, every, every case. I do not know how many thousands of service stations there are in America, but there are millions of people out there who buy gasoline. I do not know how we are going to make certain that that 4.3 cents goes into the pocket of the consumer.

The service station operators will tell you that is going to happen. We hope to have letters today from their national association. I have had some tell me personally that is going to happen. They know their customers. In most cases they are regular customers. They want to keep those customers. It is all a good-faith business practice.

But if the Senator had some idea on how we can adopt some language that is going to make certain it happens, we would certainly be pleased to look at it. Or if there are other amendments that deal with the minimum wage, we would be happy to look at that. Since it is the minimum wage package of the Senator from Massachusetts, I do not think he would want to amend it.

So, Mr. President, if I can just suggest the absence of a quorum——

Mr. DASCHLE addressed the Chair.

Mr. DOLE. Excuse me.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, before we go into a quorum, if I could just respond to the distinguished majority leader. I guess I begin by saying, here we go again. Once again, the Republicans have put together a package that they know will go nowhere.

We have one of two choices here. We can pass legislation, or we can play games. If this package is good, let us get a little bit more elaborate, more inventive. How about adding campaign finance reform? Why not add MFN for China? Let us add the budget. How about a peace treaty? There may be something in there we could deal with as well. Let us put it all in and pass it in one vote. That seems to be the practice around here these days: Load it up, no amendments, no debate and that is it. "We're telling you, you have to do it this way or there's not going to be anything at all."

Mr. President, that is unacceptable. They would not have stood for it 2 years ago and we cannot stand for it now. We have suggested a way with which to resolve our outstanding differences here procedurally. We ought

to have an up-or-down vote on minimum wage.

We are prepared to have a good debate about the TEAM Act, and I want to touch on that in just a minute.

We are prepared to have a debate about gas taxes, but we want to make absolutely certain that the benefit goes to the consumer, and if we cannot figure out a way to do that, then maybe we should not do it at all. It seems to me that if we cannot guarantee the consumer is going to benefit—and there is a pretty good possibility that they will not benefit if you read the papers again this morning—then we will not be providing the relief we claim to be providing in this proposal. We can lash out against the press, we can lash out against labor if we want to, but the fact is the arguments ought to be debated and we ought to make some decisions. We ought to have some understanding of whether or not this is going to work before we do it. That is really what the amendment process is all about, to have a good-faith debate and some opportunities to discuss these important matters.

The distinguished majority leader noted that he has had to file cloture a few times. Well, I must say, when you load up the tree and deny opportunities for Democrats to have votes on amendments that we care about, I really do not know what option we have. We are not trying to prevent legislation from being considered. In fact, in the last week, there were two examples where we worked through our differences as soon as we were allowed to offer amendments. The immigration bill and the Presidio bill both passed because we wanted to work with the majority to pass them. We did not want to hold up those bills. But we wanted the right to offer amendments.

And that is true, again. We have no desire to hold up the gas tax bill. We will have some good debate about it. We want to get this minimum wage issue behind us. We have a whole agenda. We have not talked yet about pensions, and we are going to talk a lot more about pensions in the balance of this year. We have not talked about losing jobs overseas, an amendment the distinguished Senator from North Dakota is talking about. We want to do a little bit of that.

And if we are not resolved on this health care bill pretty soon, we are going to be bringing that up in the form of an amendment. So we will have a lot of action agenda items, a lot of issues we care deeply about that we want to offer and have a good debate about.

Now, as to the TEAM Act, let me just say, Mr. President, I listened carefully to the majority leader. He said all we want is the right for employers and employees to be able to talk together. If that is all they want, they ought to be satisfied with current law.

Ninety-six percent of large companies today have employee involvement programs. Seventy-five percent of all workplaces already have programs where employers and employees work together, and guess what? The only issues on which they cannot make agreements with employees are mandatory bargaining issues such as hours and wages. Furthermore, if they violate what the National Labor Relations Board and the law requires with regard to what is legitimate consultation and what is actual negotiations with labor on issues involving pensions or security issues or work issues or wages, there is no penalty, there is no penalty at all. They must only disband the committee that has violated the law.

So workers are encouraged to work through their problems with employees through the arrangements that are set up right now under current law.

What the Republicans want to do is roll back 60 years of labor law. They want to be able to allow companies to set up rump organizations to negotiate with themselves. It is like the father asking the son-in-law to negotiate on behalf of the employees and to come up with a plan the employees are supposed to accept as fact in that workplace.

That is unacceptable. But we ought to have a debate about it. We ought to decide whether or not we want to roll back 60 years of labor law. This may be one of the most antiworker Congresses we have seen in decades—blocking an increase in the minimum wage, fighting health care, and now rolling back labor law that protects workers. We are not in any way, shape or form opposed to good discussions and good negotiations and good opportunities for employers and employees to work out their differences. That should be a fact. It is a fact in 96 percent of large corporations. But we will not tolerate rump organizations negotiating with companies in the name of labor and calling that some advancement in the workplace.

So, Mr. President, we ought to have an opportunity to debate it. We ought to have an opportunity to offer amendments. We ought to have some up-or-down votes. That is what the Senate is made for. That is what we have always done. I yield to the Senator.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DOLE. You cannot yield the floor except to yield for a question.

Mr. DASCHLE. I yield for a question.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota for a question only?

Mr. DASCHLE. I yield to the Senator from North Dakota for a question.

Mr. DORGAN. Mr. President, I say to my colleague from South Dakota, I heard this discussion about delay and stalling. Is it not the case that in a couple recent occasions, just in recent weeks, we have seen legislation filed in the Senate and a cloture motion filed on the bill that was before the Senate before debate began on the legislation? In other words, a motion to shut off debate before debate began on two pieces of legislation in the last several weeks; is that not the case?

Mr. DASCHLE. The Senator is absolutely correct. A bill is filed, a bill is proposed; the amendment tree is completely filled; and cloture is filed. It is a pattern now that has been the practice here for the last several weeks.

Mr. DORGAN. If the Senator will yield for one further question. I guess what I observe about that is that it is hardly stalling to suggest there ought to be some debate on legislation. Filing a cloture motion to cut off debate before debate begins is apparently a new way to legislate but not, in my judgment, a very thoughtful way to legislate.

I ask the Senator one additional question. In this morning's newspaper there is a story that says "Experts Say Gas Tax Wouldn't Reach the Pumps." It quotes a number of experts. One of the experts says, and I would like to ask you a question about this:

> The Republican-sponsored solution to the current fuels problem . . . is nothing more and nothing less than a refiners' benefit bill . . . It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.

My question is, does the Senator from South Dakota believe, when we deal with the issue of reducing the gas tax by 4.3 cents, that we ought to be able to offer some amendments on the floor to make darn sure that it goes in the right pocket?

Mr. DASCHLE. The Senator is correct. That is all we want to do here. We want to have an opportunity to debate the issue, to offer amendments to provide assurance to the consumer and taxpayer that we are simply not asking the taxpayers to bail out the oil companies with a $4 billion bailout this year. That is what it could mean if we are not careful about how this is handled.

Everybody ought to understand that if we do not have the assurance, and it is going to take more than a study to give us that assurance, if we do not have the assurance, what this means. I heard the majority leader talk about power and contributions, I do not know what power and contribution connections there may be with the gas tax, but I will tell you this, that it is a $4 billion bailout this country cannot afford if, indeed, the result of repeal of the gas tax is $4 billion in additional profits for the oil companies.

We ought to work through this, and if we can do that, I am sure there is not going to be a problem with regard to providing that assurance to the American people.

Mr. WELLSTONE. Will the Senator yield?

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Minnesota for a question.

Mr. WELLSTONE. It is a very brief question.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. WELLSTONE. I thank the Chair. Listening to the Senator talk about the distinction between games and moving this forward, am I correct that the Senator is saying, the minority leader is saying that we ought to have the opportunity to have amendments and debate on these issues, legitimate debate, and then have separate votes on the wisdom of enacting all three bills, whether it be minimum wage, whether it be TEAM, or whether it be a repeal of the gas tax, that that is what we are aiming for, that we want to have an opportunity for amendments and we want to address each bill in turn?

Mr. DASCHLE. That is correct.

Mr. WELLSTONE. Consider each one separately, so all of us are accountable, no putting different kinds of combinations together, no confusion for people, no blurring distinctions, just straightforward accountability to people in the country as to where we stand. Is that what the Senator is proposing?

Mr. DASCHLE. The Senator from Minnesota is absolutely right. That is how we do things around here. We provide opportunities for Senators to offer to bills amendments that are legitimate questions of public policy. That is all we are suggesting here. That is why we offered the minimum wage in the first place. When we first offered it, we said, "Look, we prefer to have the independent freestanding vote." If we cannot do that, obviously, we will offer it as an amendment. If we start packaging all these disparate issues together, then I think it is fair to ask why not add campaign finance reform and MFN for China and a whole range of other things we might want to debate some time this year.

I yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. I have a question for Senator DASCHLE. That is, as I understand the National Labor Relations Act as it exists now and as proposed in the TEAM Act, is that the TEAM Act would apply not only to the 13 million workers who are organized, but it applies to about the 107 million American workers that are in the workplace as well, and that the Senator might agree with me that effectively what we are talking about is company unions replacing legitimate collective bargaining appearing by workers pursuing their own interests.

Is that the effect of the TEAM Act?

Mr. DASCHLE. The Senator is correct, that is the effect.

Mr. KENNEDY. Is the Senator concerned that, as he pointed out, part of a whole process evidently against working families, where we have had the repeal of some of the EITC, the opposition to the minimum wage, the undermining of the OSHA Act, and feel that this would be a further reduction in the protections for American workers, and that they may, if this legislation goes into effect, be further left out and left behind in the modern economy?

Mr. DASCHLE. The Senator is absolutely correct.

Let me just say that there is this perception sometimes created by some of our colleagues on the other side that efforts to protect workers somehow automatically position you against business. We ought to be for business, probusiness, just as this administration has shown itself to be with so many of its policies.

Business has never had a better 3-year period than they have had in the last 3 years. We have seen growth in this economy. The stock market has boomed to levels we never dreamed of a couple of years ago. Export sales are up. Everything is going exceedingly well. This economy is as strong as it has been almost in my lifetime. So this administration has been probusiness. There are a lot of things we have proposed that are probusiness, but we ought to say probusiness also ought to mean proworker, making sure that not only corporate executives benefit from this wonderful growth in the economy, but the workers do, too: that the workers have a chance to benefit, whether it is in health care, a good paycheck, or retirement security. Those kinds of things ought to be part of the overall economic agenda here so that we do not see the stratification within our economy that we are seeing right now.

Be probusiness and proworker. If we do that, I think we can look forward to a lot stronger economy and a lot more blessings for all the American people than we have had in the last couple of years.

Mr. DOLE. Mr. President, we would certainly be agreeable we could have three separate votes, gas tax repeal, TEAM Act, minimum wage. In fact, we are prepared, if cloture is invoked, to have three separate votes. We cannot get agreement to have three separate votes. So they will have to filibuster gas tax repeal and increase in minimum wage because of the one deal that upsets the labor bosses. That is certainly a right they have.

Somehow the Washington Post and other papers will figure out some way to make it sound good, but the facts are the facts. We are prepared to move right now. The Senator from Massachusetts said on the floor, and I have his quotes here, a couple of times he only needs 30 minutes on the minimum wage. We will have 30 minutes on that, 30 minutes on TEAM Act, and 30 minutes on gas tax. That is an hour and a half equally divided, and then we can vote.

The Senator from North Dakota has some amendment, if he has figured out a way to make certain that in every single case the 4.3 cents will go back to the consumer, maybe have to station a policeman at each service station, or a Federal employee, that would be one way to do it. I am not certain what he has in mind.

The bottom line is we are prepared to take action. So now we have on this floor the minority saying we will not let you do anything unless you do it our way. We want to do it our way, and even though you are the majority, you do it our way. As I said, I had a little trouble explaining that to my policy luncheon yesterday. They said if they can have their way, why can we not have our way? My view is why not everybody have their way? We will have a separate vote on minimum wage, a separate vote on gas tax repeal, and a separate vote on TEAM Act. It seems fair and reasonable to me.

I hope that will be the resolution. If there are amendments that should be offered, we have always been able to work out reasonable amendments. But that is not the thrust coming from the other side. The thrust is they will raise this, the experts say maybe the 4.3 cents will not get back to the consumer and this is somehow antiworker, it is antiboss, it is antilabor boss, it is proworker.

Again, let me quote the President of the United States who said in the State of the Union Message last January, "When companies and workers work as a team they do better and so does America."

Mr. FORD. Will the Senator yield?

Mr. DOLE. Not right now.

We are prepared to accept the President—in fact, the Senator from Kansas, Senator KASSEBAUM, chairman of the Labor Committee really understands the TEAM Act—and explain how this statement by the President sort of underscores and supports what we are trying to do here today.

We have the support of the President, apparently, on the minimum wage and on TEAM Act. I do not know where he is on the gas tax repeal.

CLOTURE MOTION

Mr. DOLE. Mr. President, just so we can bring this matter to a head, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Dole amendment, No. 3960:

Bob Dole, Orrin Hatch, John Warner, Trent Lott, Thad Cochran, Slade Gorton, Phil Gramm, Kay Bailey

Hutchison, Connie Mack, Strom Thurmond, Dan Coats, Craig Thomas, Dirk Kempthorne, Jesse Helms, Bob Smith, Jim Jeffords.

Mr. DOLE. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote occur at 5 p.m. on Thursday, May 9, the mandatory quorum being waived and the time between now and 5 p.m., Thursday, be equally divided in the usual form for debate.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DOLE. So the cloture vote will occur on Friday, but I ask unanimous consent at this time if cloture is invoked on amendment 3960, the amendment be automatically divided, with division I being the gas tax issue, division II being the TEAM Act, and division III being the proposal for minimum wage, and the time on each division be limited to 2 hours each, equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to vote on division I, division II, and division III, back to back, with no further motions in order prior to the disposition of each division.

Mr. DASCHLE. Reserving the right to object, I ask unanimous consent that the unanimous-consent agreement also include campaign finance reform and MFN.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Is there objection?

Mr. DASCHLE. I object.

Mr. DOLE. Objection to this.

So, we will have a cloture vote, then, on Friday, if not before. If there are amendments, we always try to accommodate our colleagues.

I learned about how you introduce and file cloture by my friend, the former majority leader, Senator MITCHELL. I thought it was very effective. I made notes at that time.

Mr. FORD. Fill the tree.

Mr. DOLE. We do not have it down to the art he had it down to, but we want to tell the press how to spell "gridlock," something they used extensively when we were in the minority. You never see the word. Suddenly the word has disappeared. This is gridlock. This is Democratic gridlock, because the labor bosses do not want this to happen. And he who controls the purse I guess controls the agenda. We will see what happens in the next few days.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me just respond briefly. I know a lot of our colleagues want to be able to speak.

This is unnecessary gridlock. This has nothing to do with the Democratic minority. This has everything to do with Republicans simply not allowing the Senate to be the Senate. I do not recall a time—and we can go back and check—when my predecessor, Senator MITCHELL, filled the tree every single time a bill was presented on the floor. I would like to go back and find that time in the last Congress when that happened.

I can recall, woefully, how many times we worried about Republican amendments and how we were going to come up with second-degree amendments because we were not going to stop them from being offered. And they were offered.

So, Mr. President, we have different views about what happened in the last Congress. I will tell my colleagues on the other side, we are taking notes, and should we have the opportunity again—and I know we will—to be in the majority, what goes around comes around. It may be that we are going to have to extend the session of Congress to 4 years rather than just 2, because I am not sure we are going to get anything done in 2 anymore. How unfortunate. How unfortunate.

This does not have to be gridlock. We did not want gridlock. Just last week we passed some good legislation. We can do that again. We ought to do that again, but we ought to be respectful of the minority and the opportunities that we have always had to offer amendments. That is all we are asking. In the name of fairness, in the name of tradition, in the name of this institution, we owe it to the American people to have these reasonable and fair debates.

The majority leader offered a unanimous-consent to have up-or-down votes on amendments collectively to a bill that he knows is going nowhere. What we have said is, let us have independent votes, free of the opportunity to obfuscate these issues, opportunities to offer amendments, opportunities to ensure that we can have a good debate about each of these issues—no limits, no filled trees, simply a good, old-fashioned Senate debate about all the issues that the majority leader and I and others want to confront.

So as soon as that happens, I have a feeling we can get a lot of work done. But until that happens, nothing will get done.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I yield for a question.

Mr. DORGAN. I want to inquire of the Senator from South Dakota, having listened with great interest to the presentation by the Senator from Kansas, which was an interesting political presentation but a presentation that complained that there was stalling and gridlock in the Senate, first, and then a second presentation that concluded with a cloture motion being filed to shut off debate on something where debate has not yet started, I guess the presumption is that we are pieces of furniture on this side of the aisle, we are not living, contributing Senators that are interested in legislation. But we are more than furniture. We have a passionate agenda that we care deeply about.

I guess I am confused by someone who alleges that there is stalling and then files a cloture motion to shut off debate before debate begins. What on Earth kind of process is this? It does not make any sense.

I ask the Senator if he finds it unusual that we have a circumstance where the majority leader and others come out and they offer a proposition to fill up the tree so that no one else can intervene with amendments and then claim somehow that somebody else is causing their problems. Is it not true they are causing their own problems?

The way the Senate ought to do its business is to come and offer legislation on the floor of the Senate, in a regular way, and ask for those who want to amend it to offer their amendments, have up-or-down votes, and then see if the votes exist to pass legislation. But instead we have these parliamentary games, and then we have this pointing across the aisle to say, "By the way, you're the cause of this," and then the filing of a cloture motion to shut off debate before debate begins. Apparently, it is a new way to run the Senate.

Mr. DASCHLE. Apparently the Senator is right. That is the essence of the problem we have here. It is why we are absolutely paralyzed until we can resolve it. All we are trying to do is have the opportunity to have a good debate about each of these issues.

We can debate the TEAM Act. We are not averse to having a good old-fashioned debate about whether you roll back 60 years of labor law. We can debate the gas tax and figure out whether there is a way to address the issue that the Senator from North Dakota and others have raised about making sure the consumer, and not the oil companies, get the benefit.

Mr. JOHNSTON. Will the Senator yield?

Mr. DASCHLE. We can debate the minimum wage for whatever length of time we want. A half-hour is fine with us, but if they want more time, we can do that.

Mr. COCHRAN. Will the Senator yield?

Mr. DASCHLE. I will be happy to yield to my colleague on my side, the Senator from Louisiana, and then to the Senator from Mississippi.

Mr. JOHNSTON. I thank the distinguished minority leader for yielding.

There has been some negotiation and talks on the floor about votes on these

three different issues. I just want to ask the leader whether he has had any discussion about packaging the three, because I do not propose, myself, to allow that, except to the extent the rules allow it, for a vote to come up on this gasoline tax, because I think that is one of the wackiest ideas I have heard. To the extent that we can successfully filibuster, yes, filibuster. Call it gridlock, call it what you want. I am opposed to it. I am not willing to let that come up. I think there are a lot of people who feel like I do.

I wonder if there has been any negotiation toward saying, "Well, we'll let you have that on a majority vote as opposed to 60 votes, as long as you will allow a vote on minimum wage"?

Mr. DASCHLE. There have been a lot of different discussions regarding various packages and various scenarios, and it is obvious from the exchanges this morning that no decisions and certainly no agreement has been reached.

Mr. EXON addressed the Chair.

Mr. DASCHLE. I yield to the Senator from Nebraska.

Mr. EXON. I thank my friend. I was trying to seek the floor in my own right. I would ask a question.

Mr. DASCHLE. I will be happy to yield to the Senator from Mississippi.

Mr. COCHRAN. I appreciate very much the distinguished Senator yielding to me for a question. My question is, when I heard your discussion of the unanimous-consent request propounded by the Republican leader, there seemed to be—is this correct—the complaint that the minimum wage issue is something that had not been scheduled and, therefore, this was an issue that needed to be scheduled and have a full debate, and we had to have votes.

My question is, why were there not debates and why were there not votes when the Democrats were in the majority in the Senate and in the House and in the administration for the 2 years in the previous Congress?

We never had an amendment offered by a Democrat, we never had a bill offered by a Democrat, and we never had a unanimous-consent request on the floor propounded by the Democratic leader on that issue. Now, on another unrelated issue, we have to stop now and cannot proceed to take up anything because of the request being made on the Senator's side that there be an immediate debate and a vote on a minimum wage proposal that has never been to committee and never had any hearings in either the last Congress or this Congress. All of a sudden the facts are overwhelming that this is something that has to be done right now. Why is that?

Mr. DASCHLE. I am so blessed that the Senator from Mississippi asked the question. I was hoping that one of my colleagues would ask it, because obviously it is an issue that has come up before.

We made a very calculated decision in the beginning of the last Congress that we were not going to be able to do both health care and the minimum wage. Obviously, if we could have done both and had the agreement of our Republican colleagues to do both, we would very much have wanted to be able to do that. But we decided that at best—at best—we were going to be able to pass a bill that does a lot more than 90 cents for the American worker.

So what we decided to do—and people could accuse us of being conservative here and not wanting to do both—but what we decided to do, in a conservative approach to our agenda, was to say, "Look, we'll take this one step at a time. Let's pass health care. Let's find a way to deal with health care that will affect every one of our workers in a monetary, as well as a personal way." That is what we decided to do.

Unfortunately, because of the opposition of our colleagues on the other side, we could not even pass benefits for our workers for health care in the last Congress. So we are relegated now to the Kennedy-Kassebaum bill, and we may not even pass that, given the insistence by some on the other side to add unrelated and very devastating provisions to this bill that would deny the American worker some opportunity for benefit. So that is the answer to my colleague and good friend from Mississippi.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, let me suggest that it appears to this veteran of 18 years in the U.S. Senate and, before that, 8 years as Governor of Nebraska, that this place is more off balance than any supposed representative body that I have ever witnessed. To put it bluntly, it has gone bonkers.

Here we have a group of supposedly thoughtful and mature men and women wallowing in politics, throwing aside what is right for America, in a seizure of fiscal madness, at the very time we are about to vote on a constitutional amendment to require a balanced budget by the year 2002.

No one—no one—in this body has been more intent on amending the Constitution to require a balanced budget. But the irresponsible bed that we are making, and the grandiose plans for what represents fiscal balance down the road, is so fraught with craziness that I am reconsidering my support.

I am very concerned that the recent political circus, with more than three rings, designed to present "The Greatest Show on Earth" and prove beyond a doubt that there is "a sucker born every minute," will go down in history as one of the most shameful exercises in the history of the Senate. This year, 1996, could go down as the year that we deep-sixed the people under a guise of fiscal sanity that is, in reality, insanity.

Mr. President, America deserves better. Unfortunately, the ringmasters of all of this are the Republican majority leadership in the House and the Senate. The Republican majority leader in the House even suggested making up the billions in lost revenue by reducing education funding even more than the Republicans have previously announced. That will not fly.

The Senate majority leader, 20 points behind in the race for the Presidency, has come up with a gimmick to reduce the gas tax by 4.3 cents, which would cost the Treasury $34 billion in revenue by the magical year 2002, when we are already far short of any attainable goal to meet the constitutionally guaranteed balance by that date.

It is politics at its worst. Sooner or later, the American people will see it for what it is, if they have not already.

I call on the Republican leadership to announce that they have come to their senses and renounce their fiscal indiscretion, and get on with balancing the budget, passing a constitutional amendment to balance the budget, and putting the campaign back on a sane course.

Mr. President, I have long supported a balanced Federal budget and a balanced budget amendment to the Constitution. I used to think that if you favored one, you almost had to support the other. But I have to admit that the antics around here on the gas tax have caused me to question whether people who favor a balanced budget amendment in speeches really do want to balance the budget at all.

You hear all of these pious speeches about how we want to balance the budget. I suggest that if we had a dollar for every speech in the Senate that favored a balanced budget, we would have reached a surplus a long time ago.

But then comes along a year divisible by 4, and all of a sudden Senators are falling over themselves to cut taxes. I heard one Senator say this was not the first tax that he would cut, but, heck, it was an opportunity to cut taxes, and he was not going to miss it. It is a transparent political ploy, Mr. President, and this Senator, for one, has had about enough of it.

Repeal of the 4.3-cent gas tax is a costly enterprise. Between June of this year and the end of the year 2002, it would cost $34 billion in lost revenue, and it would worsen the deficit by the year 2005 to $52 billion. Yes, I say, "worsen the deficit," because the offset that the majority cobbles together to pay for the tax cut will, in all likelihood, be something we were already counting on, or desperately need, to help balance the budget by the year 2002 under a constitutional amendment. One way or the other, we are

going to have to come up with another $52 billion in additional deficit reduction, or increase taxes, over the next 10 years. I suggest, Mr. President, that that will not be easy.

As I said when I started these remarks, this whole gas tax charade has made me reconsider the sincerity of the debate that I have heard about the balanced budget amendment. The willingness of Senators and Congressmen to rush headlong to cut the gas tax makes me question whether I want to be a part of an enterprise that promises to balance the budget down the road but avoids every hard vote to cut the deficit in the here and now.

In closing, Mr. President, I want to say that I will consider very closely and see how Senators vote on the balanced budget amendment to the Constitution. I certainly feel that, as of now, the balanced budget amendment to the Constitution that I voted for previously, and supported, needs to be examined as to how Senators vote and how sincere they are, which will be keenly measured, I suggest, on the gimmick of repeal of the 4.3-cent gas tax. If people vote to cut taxes with wild abandon and then ask me to join them in support of a balanced budget amendment, they may find this Senator unwilling to go down that crooked road of no return.

The people should understand that if the tax cut proposed by the Senate majority is followed with a constitutional amendment to balance the budget by the year 2002, the Congress at that time will face, by far, the largest tax increase ever imagined in history.

I do not want a small tax cut now that probably would trigger and find its way into higher taxes in the future. In this regard, I must also say that even if the Senate and the House would invoke a law that eliminates that tax, there is no assurance whatsoever, or likelihood, that the money would end up in the consumers' pockets. It would end up elsewhere. Unless someone can rationally explain to me how the numbers work out on this, I will not vote again for a constitutional amendment under the Republicans' changed scenario.

In my view, Mr. President, as a fiscal conservative it would be the height of fiscal and budget irresponsibility to do so.

I thank the Chair. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I tried to be recognized earlier because I wanted to ask the distinguished minority leader a question when he was on the floor talking about the TEAM Act. I find it hard to think that the people of South Dakota would not be very supportive of the ability to have employers and employees form teams in which they can talk about conditions in their own company. These teams clearly will enhance the quality of work, the quality of working relationships, and the productivity of the company.

I think there is broad support for that. The distinguished majority leader indicated that President Clinton in the State of the Union speech mentioned the importance of working together as a team and how that enhances the productivity and the competitiveness of American industry. We all know how important that is today.

The other side of the aisle suggests that the TEAM Act permits sham unions. That is not correct, Mr. President. The legislation does not permit sham unions in any way.

The question was raised, why do we need the legislation? I would suggest that one of the reasons we need the TEAM Act is that we need clarity regarding the barriers in Federal labor law regarding worker and management cooperation.

William Gould, who was appointed Chairman of the National Labor Relations Board in 1994 by President Clinton, made the following statement on employee involvement to a seminar at Indiana University School of Law on February 29, 1996. I want to state that Chairman Gould is opposed to the TEAM Act, but he did say that although he opposed it, he does feel that an amendment to section 8(a)(2) is necessary to promote employee involvement. He said:

> Nonetheless, as I wrote three years ago an agenda for reform, a revision of 8(a)(2) is desirable. The difficulties involved in determining what constitutes a labor organization under the act as written subjects employees and employers to unnecessary and wasteful litigation, and mandates lay people to employ counsel when they are only attempting to promote dialog and enhanced participation and cooperation.

Mr. President, I can think of no more effective statement than that of the Chairman of the National Labor Relations Board.

This is not a question of wanting to roll back 60 years of labor law; not at all. It is really designed to enhance labor law so that we can enter a new century and a new time in the strongest, most productive fashion. And it is only common sense, Mr. President, that would say employers and employees should be able to sit down at the table and reason together. This is not an effort to do away with unions. It is an effort to bring some clarity to section 8(a)(2), as was mentioned by Chairman Gould, so that there can be an understanding of what indeed constitutes, or does not constitute, a violation of Federal labor law.

I would just suggest, Mr. President, that workers know their jobs better than anyone else. They are the ones who are there day in and day out listening to customers, making a product, and delivering it to clients. Their contributions improve productivity, reduce environmental waste, increase quality, and perhaps most important raise job satisfaction. Participation means that there is a commitment then to the success of that company. Yet Federal labor laws have stood in the way of unleashing, I suggest because of this lack of charity, a vast reservoir of human capital in America's workplaces.

Yesterday there was I thought an exceptionally good exchange, and an elaboration of why the TEAM Act is important, between the Senator from Vermont [Mr. JEFFORDS] and the Senator from Missouri [Mr. ASHCROFT]. Just to quote from Mr. ASHCROFT briefly:

> More importantly than trying to strike a balance from Washington, DC, we should provide American workers with the ability to strike that balance for themselves.

Senator ASHCROFT went on to lay out examples of reasons why this would become very apparent. Senator JEFFORDS had said, "Why in the world would unions oppose this?" It really is not trying to undermine the unions as has been portrayed. He said, "They are nervous because they have been going down, and they did not want to do anything that would in any way enhance the workers and management to get together to improve productivity. Is it being done out of fear that, indeed, the unions would no longer be able to control the agenda?"

I hope not, Mr. President, because that is not the intent of this legislation. I myself would like to provide an example to illustrate the obstacles to employee involvement.

A group of workers in a manufacturing plant want to discuss health and safety issues with their supervisor. The supervisor forms a safety committee with the foreman and three or four workers and the group meet once a week. The workers know that the floor is often slippery, and workers have fallen causing injuries and significant worker compensation costs for the company. The workers also note that most accidents happened on Mondays. So perhaps a brief safety reinforcement briefing at the start of the shift coming off the weekend would improve plant safety.

Acting on these employee suggestions the supervisor makes sure that mops are available to mop the floors and institutes a 5-minute safety meeting for workers each Monday morning. Sounds reasonable. I would think most of us would agree that these suggestions are reasonable ideas for workers to bring to their supervisor.

What is incredible is that this type of employee involvement is illegal under Federal labor law. The National Labor Relations Act actually prohibits nonunion employees and supervisors from meeting in committees to discuss

workplace issues like health and safety.

I have never viewed the TEAM Act as a union-management issue. Instead, I think it is a quality of life issue for workers who do not want to just say, "We are on the floor of our workplace and do what we are told to do and have no input into what we see may be something of real benefit in improving the quality of life there."

In the example I just mentioned the workers are the ones who observed the wet floors. They are the ones who were there. They are the ones who are injured when they slip on the floors, and they are the ones who have suggestions for dealing with the problem. This, I think, is the quality of work life issue for workers, and not a labor-management issue.

And for firms, employee involvement is a necessary way to enhance the efficiency of the plant. That has been proven over and over again where, indeed, companies have had team relationships that have proved successful.

I think since the 1980's many American companies have tried to copy what companies were doing in Japan, because frequently there were employee-employer relationships that our Japanese competitors were using some years ago that were found to be successful.

We can even improve on what the Japanese have done. I would suggest, Mr. President, that employee involvement is a necessary way to enhance the efficiency of our workplaces. And more importantly, there are significant contributions that I believe workers can make with innovative and thoughtful ways of improving the workplace.

Unfortunately, the National Labor Relations Board has issued a series of decisions beginning in 1992 that interpreted Federal labor law to prohibit many forms of employee involvement. These decisions have created uncertainty as to what types of employee involvement programs are permissible, as Chairman Gould pointed out.

These decisions have cast doubt on all employee involvement in nonunion settings. In union settings it works all right. But in nonunion settings it has raised suspicion, doubt, fear, and an aggressiveness that I think has proven totally counterproductive on the part of the unions. I think we need a legislative solution to address the problem.

Mr. President, the TEAM Act removes the barriers in Federal labor law to employee involvement. It clarifies what that involvement can be. At the same time, the legislation maintains protections to ensure that workers have the right to select union representation. The TEAM Act assures that employee involvement programs may not negotiate collective bargaining agreements or seek in any way to displace independent unions. And nothing in the TEAM Act permits employers to bypass an existing union if that is what the union and that is what the workers have chosen.

Finally, I point out that the Congress prohibited company unions in the National Labor Relations Act of 1935. They were prohibited then because firms were negotiating with company unions and refusing to recognize independent unions which the workers had selected. But the TEAM Act requires employers to recognize and negotiate with independent union representatives if that is what the workers have decided they want. It really is urging that workers become more involved. The workers are encouraged to participate and employers are encouraged to listen to their employees.

I suggest, Mr. President, that the TEAM Act is good for workers. It is good for firms. It is good for America. It is not attempting to roll back labor law. It is attempting to enhance it in ways that I think will be far more constructive and productive.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Presidential years are referred to as the "silly season" and certainly this Presidential year is the silly season. The competition for the award for the most improvidently proposed bill is very keen in the Chamber, Mr. President, but surely the 4.3-cent gasoline tax decrease has got to take the cake for this year.

Mr. President, all this Congress we have heard about the balanced budget. I endorse the balanced budget. I am part of that bipartisan group of Senators that is trying to get a balanced budget passed. But now that we finally propose it, it is not being accepted by my friend, the majority leader.

On top of that, with budget deficits continuing, with no plan approved for the balanced budget, we now have a proposal to cut taxes. Surely, Mr. President, this has got to be in the category of bread and circuses of ancient Rome when proposals are put out not for the good of society but in order to please the voters.

Now, the American voters may not be very smart on some issues, but they are not stupid, and they know that this is not good policy. At a time when we are trying to cut all kinds of programs, all across the board, to come in and then cut taxes on gasoline is surely not good policy. Gasoline in the United States is somewhere between one-half and one-fourth as expensive as it is in Europe. In France, in Germany, in Italy, in those countries you pay three and four times as much for gasoline as you do in the United States. But if the gasoline goes up a very small amount in the United States, it is used as a trigger to try to cut those taxes.

Mr. President, let us look at the facts about gasoline.

If you look at gasoline in real prices, in inflation adjusted prices, this chart represents what gasoline prices have been since 1950 through 1996, and it shows that in real inflation adjusted prices, the price of gasoline is close to the lowest it has been since 1950—almost 50 years. Now, to be sure, there is a small blip of, what, 20 cents a gallon in some places. But in terms of the actual purchasing price that you have to pay for gasoline, it is almost a historic low.

The next question is: what is going to happen from here? Is this increase in gasoline prices permanent or is it likely to come down?

It is clear it is going to come down. When you look at crude oil prices—these first two blocks on this chart are actual prices from April and May—you will note that they have come down from over $25 a barrel already to about $21 a barrel. Those are actual prices that are coming down very fast.

These prices on this chart are futures prices, and futures prices, of course, are real prices. You can purchase the crude now for delivery in May or September or whatever these months are, so they are price reductions already realized. So we already have realized price reductions in the price of crude oil from over $25 a barrel to about $19 a barrel, or a decrease of $6 a barrel already realized in the price of crude oil.

Now, Mr. President, this rather busy chart shows the relationship between crude oil and gasoline prices. On the bottom, we have crude oil prices, which shows a slight up-tick in crude oil for the month of April, and it already shows that crude oil is going down. With respect to wholesale regular gasoline prices—these are in real prices—we see that went up for the month of April and has already begun to go down.

Wholesale California reformulated gasoline is already coming down rather precipitantly. California is the area of the country, of course, which has the greatest concern about this because you have the greatest runup in prices. But wholesale California reformulated gasoline prices are coming down very fast.

Retail gasoline prices in the United States and retail in California have leveled off. They are not yet reflecting these downturns in prices of crude oil, wholesale regular gasoline and wholesale reformulated gasoline in California. But these prices will begin—already in retail it has come down slightly in California and leveled off in the United States generally. However, as night follows the day, it is inevitable that these prices will come down and come down precipitantly because wholesale prices are coming down.

Mr. President, what caused the shortage and the runup? On this rather busy chart here, these hash lines show the historical range of gasoline stocks, and they go up and down every year because the summer driving season and

the heating season call for greater or lesser supplies and usually the actual amount follows within those hash mark lines, and when that happens supply and demand are in balance.

When we go to January and the spring of 1996, our supply line drops well below the traditional levels. And why was that? Well, it was, first of all, because the winter was much colder than usual. Second, because many refineries across the country, particularly in California, were down. Third, because there was an anticipation that the embargo on Iraqi oil was to be lifted, and that was not lifted as expected, so the influx of Iraqi oil was not as we expected, plus driving was up as well as the fuel efficiency of cars was down. That caused our stocks to be down. However, this is already being corrected. As you can see, the stocks have begun to come up. This chart shows gasoline imports, and gasoline imports are up precipitously.

This is caused by two things. First of all, the market. When the price is high, then that extra refining capacity in Europe is used to export to the United States. Consequently, our imports are drastically up. With imports coming up, it is clear that this upswing in gasoline prices is soon to be over with. I mean it is not a problem to worry about in the first place, as I mentioned, because we are at almost historic lows in the price of gasoline—almost. We are up only slightly from historic lows for the last 50 years. But even that small upswing, about 20 cents a gallon, is soon to be over with because of these factors: Additional imported crude oil, the supply; imported gasoline; supply of crude oil coming up.

Finally, there is this vexing problem of why is it? I mean, are we being ripped off? Is there price gouging by the oil companies? Oil companies, I know, are those we love to hate. People think this market does not work. The fact of the matter is, it is a highly competitive market and it does work, as those imports of gasoline show. This is evidence that that market is working. As the price goes up, the imports of gasoline go up.

Let us deal with this question of profits. What this rather busy chart shows is the spread between gasoline prices and the price of crude oil, in this case west Texas intermediate, which is usually the marker for the price of crude oil. The gasoline is the New York harbor price of gasoline.

This shows the spread, starting in January 1989 through April 1996. You will notice that there are ups and downs every year. There is a higher spread starting in the spring and that always ameliorates every single year as you get further, as the summer driving season is over with. What this shows is that there is an increase in price level, an increase in the spread in April 1996 compared to March 1996. However, if you go back to Aprils—go back to April 1995, the spread was even greater. The spread was less in April 1994, slightly less in April 1993, but in April 1992 it was more, and in April 1991 it was much more, in April 1990 it was much more, and in April 1989 it was much more.

What does this tell us? It tells us that, if you look at the last 7 years, the spread between the cost of crude oil and the price of gasoline is less now, on the average, than it has been in the past 7 years. It tells you that this is not an unusual spread compared to past years. It also tells us that April is one of the very highest months and that the spread comes down from April because of competitive pressures.

I mention this because many people think—there have been these charges without one shred of evidence, without a whisper of evidence to support them—that there is a conspiracy to make that price go up. But as you can well see, profit margins are less than the average they have been in the last 7 years, even though slightly more than they were in 1994, but less than they were in 1995.

Any legislation such as an amendment I have heard that would say, in effect, that it shall be unlawful for any person to fail to fully pass through a price reduction—it would be completely impossible, as you can see, to identify what the price reduction is, because every year there is wild fluctuation between the price of crude oil and the price of gasoline, the spread between those two prices. So if you say you have to pass through this price reduction—compared to what? What is your baseline? Is it the average of the last 7 years? Is it this month's price the day on which you price it? Suppose you had a big spread on the day on which this amendment passed; can you rely upon that? Could you up your prices at the pump on that particular day and thereby say, I am going to pass this on by giving you 4.3 cents less than the highest level we have charged in the last 7 years?

I think any such amendment would be impossible to draw, impossible to enforce, and a very improvident thing for this Congress to do.

It is always nice to be for a tax decrease. But at a time when we are trying to bring this deficit down, to decrease taxes, whether they be income taxes, whether they be taxes on beer or gasoline or anything else, I believe the American public has sense enough to be able to see through that kind of political pandering. That is all it is, to try to pander to the American public and give them a little bread and circuses.

I do not know what the polls show. I have heard that the polls show that people like tax decreases, not surprisingly. But I believe that any blip in polls caused by giving a small amount of decrease in price, even if it was passed on—and who can possibly say whether it is passed on or not? How can you identify a 4.3-cent decrease against the background noise of swings, which are annual swings in the price? You could not identify that.

So there is hardly anything that the driver in America can point to, to thank the Congress for reducing his price, because you are not going to be able to determine what that decrease is or, indeed, whether it is passed along at all. But whatever that recompense, whatever that thanks would be they would give would surely be short-lived because the American public would understand that the deficit, about which we have been preaching for 2 years solid, nonstop rhetoric about the deficit—they would understand that that deficit is only to be higher because we reduced taxes in an election year.

It is not a good thing to do. It is not good policy. Prices are lower than they have been at almost any time in the last 50 years in real terms in the United States. They are a third to a fourth what they are in Europe. They ought to be higher, from the standpoint of conservation. Whatever happened to conservation in this country? Don't we care about that anymore? Do we want to encourage gas guzzlers? Do we want to encourage bigger cars, more gas-guzzling cars? I guess so, because that is the direction in which this goes.

It is not good policy, Mr. President. I hope we will not do it. If it is done, it will not be with my vote.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, perhaps a brief review of what it is that we are debating on the floor of the U.S. Senate might be in order at this point for those who may be watching or listening. The bill before us is to provide a modest degree of relief, the reimbursement of attorney's fees and costs incurred by former employees of the White House Travel Office who were fired at the beginning of the Clinton administration and one of whom was unsuccessfully prosecuted. That bill has passed the House of Representatives.

If the Senate were permitted to pass it, it would go to the President and, I presume, be signed. It is not particularly controversial. But the majority leader of the Senate has been unable to get consent from the other side of the aisle simply to pass that bill and send it to the President without conditions being imposed upon that consent.

So now this modest House resolution has had included with it a reduction in the tax on motor vehicle fuel, the 4-plus-cents-a-gallon tax that was imposed in 1993.

At the time at which it was imposed, at the time at which that tax hike was passed, every Member on the Republican side of the aisle voted against it.

In some measure, that vote was simply a statement that we did not feel that increased taxes was appropriate.

But there is another element in the opposition then and the desire to repeal it now, which is equally important. That element is the fact that for the first time in the history of the Congress and almost without precedent in any of the 50 States of the United States, a motor vehicle fuel tax was imposed to pay for various social and political programs entirely unrelated to transportation. I think it is appropriate to say that perhaps the least objectionable tax to most of the people of the United States is a gas tax, a motor vehicle fuel tax, when it is used to improve transportation, when it is used to maintain or to build roads and highways or, for that matter, to improve mass transit systems in our major metropolitan areas.

Lord knows that we have fallen far behind in that traffic infrastructure. This gas tax increase in 1993, however, was not for that purpose. That was not a part of the agenda at the beginning of the Clinton administration. It was simply for the wide range of other spending programs in which the then new President desired to "invest," in his own words, to "spend" in ours. And so much of the impetus for this reduction comes from the fact that that was a terrible precedent to set.

The gasoline tax is not a general purpose tax, should never have been used that way in the first place and should not be used that way now and, therefore, ought to be repealed. If the President wishes to come to the Congress with a proposal that would build our infrastructure by the use of user fees, he would certainly get a more positive response than he does when it is simply to disappear into the mass of hundreds of other programs.

This view, that we ought to repeal this gas tax, is not partisan in nature. There are, I think, at least a few Republicans who feel it to be unwise. There are a significant number of Democrats who are quite ready to vote for it, and the President has at least indicated that he will sign and approve it. But, Mr. President, when the majority leader asked that we deal with the gas tax repeal alone, he was denied that right unless certain other unrelated demands on the part of the Democratic Party were met.

So we cannot provide the relief for people wrongly fired in the White House Travel Office; we cannot deal simply with a gas tax repeal which, whether wise or not, is something the American people understand and understand the debate about; no, we cannot do any of these things unless, Mr. President, paradoxically we agree that we will, in fact, have a vote on an increase in the minimum wage uncluttered by any irrelevancies.

So it is do as I say, not as I do. Those on the other side of the aisle demand the right for absolutely uncluttered votes on their agenda but deny that right to the majority party.

Personally, I think an increase in the minimum wage undesirable for the very people it is nominally designed to benefit. My inclination is to believe that it will cost a significant number of jobs, both among those who lose their jobs, because their employers do not think that they really produce this larger hourly wage, but even more significant, among those who are attempting to work their way off welfare or are teenagers coming into the job market who will not get jobs in the first place because of a minimum wage that is too high.

It also seems to me that it is an extremely blunt instrument with which to increase the obviously too low income of those Americans who are the primary support for families and who are now on full-time employment at the minimum wage, something like 3 percent of those who are making the minimum wage at the present time.

But, I am perfectly willing to admit that there is an argument on the other side of that question. Most middle-of-the-road economists think that an increase in the minimum wage is neither a particularly good idea nor a particularly bad idea; that it will not have all of the harmful effects that some of its opponents state and clearly will not have the positive effects that its proponents assert.

As a consequence, I think as a part of an overall look at the economy of the country, it is perfectly appropriate that we vote on increasing the minimum wage. But, Mr. President, I think it is perfectly appropriate and far more logical that we vote on it at the same time that we vote on something else which really will help the economy of the United States, which will improve labor-management relations, which will increase productivity and which will increase the number of jobs that we have for people who are coming into the job market or seeking to improve the position that they hold in it. But we are told that the TEAM Act, which has actually been the subject of hearings in the Labor Committee and approved by the Labor Committee, unlike a minimum wage increase, is such a hard prospect that we will not be allowed to vote on it by a minority that demands the right to vote clean on a minimum wage increase.

Mr. President, that is simply an unsupportable position. If we are to do something that clearly makes it more difficult for people who provide jobs to provide them for those who are coming into the market, we certainly at the same time are overwhelmingly justified in saying that a practice that is now in place in some 30,000 places of employment in the United States, the setting up of informal teams to deal with questions of productivity and vacations and the incidental frustrations that are a part of everyday life, should be validated as against a decision of the courts not wanting that which says, "No. You can't do any of these things unless you have a union and engage in them through collective bargaining."

That is great for the people who lead labor unions. And there may even have been the remotest justification for it in the 1930's. But in the 1990's, and a more prosperous time, in a more competitive time, the time at which the United States is very much in competition with the rest of the world, and a time in which the ancient total antagonism between management and labor is being increasingly succeeded by cooperation, a system, a proposal which encourages that cooperation is not only a good idea, it is a necessity.

So what we have before us right now is a refusal by filibuster, however politely described, to allow a vote, to allow a majority to determine whether or not we should have the passage of the TEAM Act, very much needed in a growing economy, together with an increase in the minimum wage, together with a reduction in the gas tax, and tend to this horrid precedent that we use it for other than transportation purposes, together with the relief of the victims of the White House Travel Office.

Mr. President, that seems to me to be highly reasonable. If a majority of the Members of the U.S. Senate do not like it, they can certainly vote against it. Personally I think it is quite clear that a majority of the Members of the Senate would vote for it. But the demand that we can only deal with a minimum wage and that the minimum wage is the only proposal to which this rule applies, without attaching anything else to it, that it is so important, so pristine, that it must go through without amendment, while everything else can be filibustered, that is a demand that is as unreasonable as it is unlikely to succeed.

So, Mr. President, my suggestion is that we go forward, we have a debate on the merits, the shortcomings, of the TEAM Act, on the merits and the shortcomings of a minimum wage increase, on the merits and shortcomings of the gas tax increase, being the three elements in this amendment, and then vote on the amendment and determine whether or not we are for it, or alternatively, as the majority leader has suggested, without acceptance, that we vote separately on those first two. And if both are passed, they go out of this body together to the House of Representatives. If one is passed, and one is defeated, the survivor goes out as it is.

All kinds of alternatives have been offered to the minority party. But it will accept only its own proposition for the way in which the business of the

Senate will be conducted. That is neither in the interest of the Senate, Mr. President, or of the people of the United States. Let us go forward and by the end of the afternoon vote on the amendment that the majority leader has proposed for us, and get on to other business.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I fail to be persuaded by the argument of my good friend from the State of Washington. I think that the point was made very, very well by our leader that there were going to be some amendments that would be offered to the gas tax. It would be directly related to that issue to try and make sure that if there was going to be a repeal, that actually it would go down to benefit the families that would be going to the gas pumps. And that has effectively been denied.

I know the majority leader said, "Well, if there's an amendment that makes some sense, we'll be glad to consider it." But this body is not a traffic cop for just the majority leader or the minority leader or any particular Member to say what a Senator can offer, outside of the issues of cloture, to a particular measure. That is a rule of the Senate. It might not be acceptable to some other Members, but that has been the rule here for 200 years.

Effectively you are closing out the Senator from North Dakota, you are closing out the Senator from Massachusetts, other members of the Human Resources Committee, who offered other amendments to the TEAM Act during the committee's consideration of the bill. All one has to do is look over the debate that took place in the House of Representatives, for example, and review that debate, and see that Congressman SAWYER, for example, offered a substitute to try to address the kind of questions about the particular language that some had raised to provide some additional clarity about the effect of 8(a)(2). And that was very thoughtfully debated over there.

I think the Sawyer amendment included a number of different measures that I think the Senate would be interested in. It may very well help work out a point of accommodation so that that legislation would pass unanimously. But we are denied any opportunity to consider any such possibility either today or tomorrow or after the period of cloture.

So with all respect, the right of Senators to offer amendments is being cut off—and there might have even been Members who wanted to go back to the original proposal on the minimum wage. That was 50 cents—50 cents—50 cents over a period of 3 years, and also had an increase in the cost of living, so that we would not have the situation where workers would fall continuously behind. That is a directly related kind of subject matter, probably worthy of debate, in trying to deal with the fact that this program of the increase in the minimum wage it is exceedingly modest. People are denied that opportunity as well and are just foreclosed any opportunity to do anything other than speak. There was not a desire to prolong the debate and discussion on any of these measures, but we are denied the opportunity even to offer them.

So we will have a chance to vote whether the Senate is going to be willing to be gagged or not gagged on the proposal that is now before the Senate. And all we have to do is look at the floor of the U.S. Senate right now.

We invite all Americans to take a good look at the floor of the U.S. Senate. There are three Members here. We are effectively being denied the opportunity to address these issues that are going to affect working conditions for workers, not only those that affect the 14.5 million that are part of a trade union, but the 110 million Americans who are not union members, their interests, their wages, their hours, their working conditions.

It just seems to me at a time when about 65 or 70 percent of the American workers are falling further and further behind, it is unfortunate that our Republican friends have made a pretty wholesale assault on those conditions for workers by trying to fight the increase in the minimum wage, fight the earned income tax credit, fight against Davis-Bacon that provides an average of $27,000 for a construction worker in this country, and other matters which we debated at other times.

We are foreclosed from making any changes. They said you either have to take it or leave it. I find it quite amusing to hear the leader talk about, "Well, we will have to go along with what the majority wants." The majority have indicated they favor the increase in the minimum wage. He has the facts wrong. The majority of the Senators favor the increase. When he says, "Well, the majority is going to insist you either take it our way or not," I do not think is a fair representation of what the fact situation is. We are where we are, and we will have to do the best we can. We will do so.

I want to take just a few moments to correct the record on representations that were made in the last day or so and then speak briefly with regard to the TEAM Act and respond to some of the points that have been raised here. Then I will yield to others who want to address the Senate. I see my friend and colleague and a member of our Human Resource Committee, the Senator from Illinois, Senator SIMON, on the floor at this time. I was wondering if we might ask him—I know he has been very involved and interested during the course of our hearings on the TEAM Act, and also during the markup. I will ask him maybe a few questions, if that is all right.

Mr. President, the Republicans say that an employer cannot talk to his employees in a nonunion shop about things like smoking policies or flextime schedules where employees work a 4-day week or whether to have a pension plan or how to do the work safely; is that true?

Mr. SIMON. Absolutely not, I say to my colleague from Massachusetts. That is hogwash. In a nonunion shop, the employer can talk to his employees about anything. He can call them together as a group or talk to them individually. Nothing in the law prevents a nonunion employer from talking to his employees. In fact, section 8(c) of the National Labor Relations Act specifically protects his right.

Mr. KENNEDY. I thank the Senator.

As you know, this point was made yesterday about no smoking. There were a whole series of issues that were brought out in one of the court opinions, of which one was no smoking. But the rest of it dealt with a variety of different workplace issues.

It is being used selectively in distorting and misrepresenting a legal holding to suggest that this kind of communication is not permitted at the present time. That is a gross distortion and a gross misrepresentation.

It is interesting, our Republican friends must all be reading from the same briefing sheet, because if you read through the debate in the House of Representatives, you find exactly the same quotation. I would have thought that perhaps Members of the Senate might have changed at least a few words about it. I am glad to get the response of the Senator.

Second, I mention that yesterday one of our colleagues said that the law prohibits an employee from going to the employer to ask for a day off to attend a child's award ceremony at school; is that true?

Mr. SIMON. Senator KENNEDY, that is absolutely not true. When you talk about distortions, you are absolutely correct. This thing has been so distorted.

If this bill passes, we will have a huge imbalance. In a union shop, the employees bargain with the employer to have personal leave days. In a nonunion shop, under current law, any employee can bargain individually or ask the employer as an individual for time off.

Mr. KENNEDY. Further, there were some suggestions yesterday that the whole future of labor-management cooperation is threatened if what they call the TEAM Act—I call it the antiworkplace democracy act myself—but they say the whole future of labor-management cooperation is threatened if this bill does not pass.

Now, does the Senator remember the testimony that we have had in probably the last Congress by the head of

OSHA, Mr. Dear, about actions taken, for example, in the State of Washington, where employers and employees worked effectively together to reduce hazards in the workplace? As a direct result of that cooperation, we saw a 38-percent reduction in workmen's compensation costs, and we see corresponding increases in wages for workers. The associated industries from that State praised that cooperation, which is already taking place, can take place today without this legislation, that saved industry approximately $1 billion over the period of the last 5 years.

Is the Senator aware of what is included in Senator KASSEBAUM's findings, that we already have a multitude of these working partnerships and relationships? Even in the Republican report that is on everyone's desk here they acknowledge that they are taking place in 96 percent of the major corporations and over 75 percent of medium and small companies. That seems to be working.

Mr. SIMON. Absolutely. This is taking place in thousands and thousands of plants in your State, in my State, in every State here. The law has permitted explosive growth in cooperative programs and employee involvement plans.

The committee report claims that 75 percent, as you pointed out, of all employers use employee involvement; 96 percent of large employers do so. That has occurred without this so-called TEAM Act. I agree, it is misnamed. The law has not changed one iota with respect to company unions in 61 years. The TEAM Act is completely unnecessary.

Mr. KENNEDY. The reference was made yesterday by the majority leader that this was necessary because of the NLRB holding in 1992, the Electromation case in 1992, which allegedly changed the law and allegedly prohibits teams and committees and quality circles. I know the Senator is familiar with that case because it was a subject of a good deal of discussion in our committee hearing.

It is always interesting that even after this case, as the Senator knows, we had testimony before the Dunlop Commission by the various groups that are pounding on the door. It is so interesting to listen to those who are complaining about those who present workers' rights and who complain about the money that is being spent presenting workers' rights.

Maybe we should talk about the various companies and corporations that are supporting this legislation and what they have contributed to various candidates. Evidently that is the way you have to get along in these times to try to impugn those who might have some benefit in here. I guess that is what we are sinking to. We have not done that. I would just as soon avoid it. But it is worth noting that many of those who are going to benefit from this bill are companies and corporations that have made sizable contributions, I daresay, not to Democrats but to Republicans.

Let me ask the Senator, is the Senator not interested that this legislation that purportedly is going to protect workers is being driven not by workers themselves that want that protection, but by the companies that are going to establish these company-owned, effectively company-run unions.

Mr. SIMON. The Senator is absolutely correct. One of the things that is wrong in our society today and wrong in this body is those who are heavy contributors have an inordinate access and inordinate power. We have to struggle to get millions of people who are getting the minimum wage—they are not big contributors; 41 million Americans do not have health care, and they are not big contributors. But a few, a very few employers would be affected here; they are contributing.

It is interesting, you mention the Electromation case. A unanimous Labor Relation Board made up of Republican appointees held that the Electromation case was a typical garden variety case of a company union. It held that no new principles were involved in finding the company union unlawful. The court of appeals again unanimously found that the case had nothing to do with quality circles or productivity teams. The case was about an employer who was trying to control disgruntled employees by imposing on them a representative that they did not ask for or choose.

I would add, when you mentioned the Dunlop Commission headed by former Secretary of Labor John Dunlop, he was the Secretary of Labor under a Republican administration. He says this kind of thing does not make any sense.

Mr. KENNEDY. I think you noted that all of the members of the National Labor Relations Board that made that unanimous judgment in the Electromation case had all been appointed by Republican Presidents.

Mr. SIMON. That is correct.

Mr. KENNEDY. I suppose that the reason for that is the one that is outlined in our own report. It says, on page 27 at the top:

> No good purpose is served by allowing the employer to choose and dominate the employees' representative. Cooperation is not truly furthered because the employer is not really dealing with the employees if he is dealing with his own hand-picked representative. An employer does not need the pretense of a team or committee if he only wants to cooperate with himself.

Does the Senator think that sort of captures exactly what this piece of legislation is about?

Mr. SIMON. I think that is well stated. It is a good summary of what this is all about.

Mr. KENNEDY. Now, some claim that under the NLRB rule, management may not include nonmanagement employees in the decisionmaking process, is that true?

Mr. SIMON. That is not the case. Ever since the General Foods case in 1977, it has been clear that employees can be given decisionmaking authority without violating section 8(a)(2). If management wants to set up work teams and allow them to schedule their own hours, investigate plant safety, or redesign job procedures, the law permits it.

Mr. KENNEDY. Now——

Mr. MCCAIN. Mr. President, is parliamentary procedure being observed here?

Mr. KENNEDY. The regular order is that the Senator from Massachusetts has the floor and is recognized. That is the regular order.

The PRESIDING OFFICER. That is correct. And the Senator is so advised that he may yield for a question.

Mr. KENNEDY. I would be glad to yield——

Mr. MCCAIN. You would think that after some years the Senator from Massachusetts would observe the regular procedure on the floor of the Senate.

Mr. KENNEDY. Well, the Senator is doing that. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. It might not be pleasing to the Senator from Arizona, but that is the rule and that is the regular order.

Mr. SIMON. Mr. President, if I may ask the Senator from Massachusetts a question. We talked about the fact that quality teams are legal, as long as they do not strain the questions concerning wages, hours, terms and conditions of employment. But what if they do, or what if an employer wants to appoint a safety team to figure out why so many employees had back injuries, for example? Can the employer do that?

Mr. KENNEDY. Very definitely. As the Senator knows, management has the right to direct employees to do the job it wants done, whether the job is driving a truck or figuring out the best pension plan. Management can direct employees working as a team to solve safety problems or production problems. What it cannot do is to appoint employees to a safety committee that is supposed to represent the views of other employees—other employees—about what pension benefits they want, or what safety issues concern them. Management can find out what the employees think by asking them, but it cannot establish an employee organization, choose its membership and deal with the organization as if it were the representative of the employees.

I think the Senator would understand the logic of that position and the reason for it.

Mr. SIMON. Finally, the Republicans have said in their official position that

it is illegal for an employer to provide paper and pencils or a place to meet for a team or a committee; is that true?

Mr. KENNEDY. No. That is completely untrue. I just ask those that are coming up with those speeches to read the debate over in the House of Representatives, where the same examples are being used. These are pat and standard, evidently, speeches being handed out and used by our colleagues here, because the same language is included in the House debate. I do not know whether it would be worthwhile to include the debate that took place over in the House. But I urge my colleagues to read it because I think it is incisive as to what this whole issue is really about.

I thank the Senator very much for those interrogatories. I will just speak briefly about this legislation that is before us.

As I mentioned earlier, my good friend and highly regarded chairperson of our committee, Senator KASSEBAUM, indicated that the principal reason for this legislation was some ambiguity in terms of the language of certain holdings. I find myself at odds with that understanding and, if that is the difficulty, it is certainly not reflected in the number of cases that are being brought to the NLRB. If you look at the period of last year, and the year before, you are talking about a handful of cases. It is not of such an urgency because even if there is a finding that there is some misunderstanding about what a company can or cannot do, there are no penalties. There are problems out there in terms of protecting workers and workers' rights. But, quite frankly, this does not appear to be one of them.

As I mentioned earlier, it is interesting to me that those who are pushing this particular proposal—you can go back and examine the testimony before the Dunlop Commission, in 1993, made up of a bipartisan group of labor relation experts in business and academia. They conducted an intensive study of labor-management cooperation and employee participation. And the committee held 21 public hearings, and had testimony from 411 witnesses, and received and reviewed numerous reports and studies. The commission made one recommendation that is of particular relevance. This is the recommendation: "The law should continue to make it illegal to set up or operate company-dominated forms of employee representation."

That is one of the strong recommendations, and that runs completely contrary to the antiworkplace democracy act.

It is for very sound reasons, Mr. President. It makes no sense for a company and a CEO to pretend to represent workers when that individual has bought that representation lock, stock, and barrel, with the paycheck. It is a disservice to those employees to appoint a worker and to say, "Well, that worker is going to represent all of you in the workplace, and I am paying him. I have the ability to dismiss him, and I have the ability to fire him tomorrow. I have the ability to tell him when they are going to have a meeting and what the agenda is going to be."

That is what this legislation effectively does. It says that an employer can name anyone they want to be the representative of workers, and that individual is going to be paid by the employer, who can fire them the moment that person makes a recommendation or a suggestion that is at odds with the employer or the CEO, and they will set the agenda for that worker and tell them what the nature of the debate is going to be, and tell them who that worker will recognize in any debate, and effectively control that person.

Now, if you call that representing employees, Mr. President, I do not. That does not represent the employees. That is what this legislation is about. It is not about just issues of cooperation.

As I mentioned just yesterday, in the legislation, S. 295, the bill introduced by Senator KASSEBAUM, on page 2, it says:

> Employee involvement structures, which operate successfully in both unionized and non-unionized settings, have been established by over 80 percent of the largest employers of the United States and exist in an estimated 30,000 workplaces.

That is good. It is happening. That is taking place today. The report itself recognizes it.

On page 99, the report talks about the commission on the future of worker-management relations. The survey found that 75 percent of responding employers, large and small, incorporate some means of employee involvement in their operation, meaning that larger employers, those with 5,000 or more employees, the percentage was even higher—96 percent. It is estimated that as many as 30,000 employers currently employ some form of employee involvement or participation. Amen. That is the way to go. We urge that. It is taking place.

We looked at the provisions. If there is some question about that, we looked at the various provisions to understand what is included and permitted and what would be prohibited. Basically, we are talking about encouraging people and company employee teams to work on everything other than the wages and the hours and the exact working conditions. There has been a point in talking about, Well, what about certain types of working conditions? I had hoped at least to be able to address that issue and work with our Republican colleagues to clarify that. I think those measures have been clarified in the proposal that was advanced in the House of Representatives when it talked about three different committees that would be set up and how they would be set up to address any possible question about what is permitted and what is not permitted. But that was summarily dismissed in the House of Representatives, which gives you a pretty good idea about what is underlying this bill.

As a matter of fact, in the House of Representatives, they even excluded these kinds of activities in the House version—excluded the companies' employees who already had voted for representation. That was the Petri amendment to H.R. 743. We have not done so in this legislation.

Mr. President, I want to just take a few moments to talk about why this concept is, I think, a dangerous one for working families, those families that are represented by the 120 million Americans who are in the workplace virtually every single day, not just the 13.5 million who are members of the trade union movement, but all working Americans. We know—and we have examined here on the floor very considerably—what has happened to the American work force from 1947 to 1970. All Americans had moved up with the expansion of the economy. All had moved up.

What we have seen since 1972 to 1992 is that more than 60 percent of Americans have actually fallen further and further behind. It is close to about 75 percent. Many of us believe that is a major issue and challenge for us as a society.

It boils down to one basic question. Are we going to have an economy in the United States of America that is only going to benefit the richest and the most powerful individuals in our country and society, or are we going to have an economy in which all Americans participate in a growing economy?

I believe that was really the concept that was supported by Republicans and Democrats for years, and years, and years. It is now being undermined by these assaults on working families. We saw it in the early part of this Congress when one of the first actions of our Republican friends was to try to eliminate the Davis-Bacon Act. The Davis-Bacon Act provides a prevailing wage for workers who work in a particular geographical area. It works out effectively to about $27,000 a year for working families that work in construction.

I do not know what it is about our Republican friends that they feel that one of the major problems in this country is to try to undermine workers that are working for $27,000 a year. There are a lot of problems that we have in our society, but that does not seem to me to be uppermost, and it should be uppermost in the minds of the Members of the Senate. But that was there.

Then, second, we have gone along a few weeks. We saw the assault on the

earned-income tax credit. That is important as we are talking about the increase in the minimum wage because the earned-income tax credit helps those workers that are on the bottom rung of the economic ladder and who have children, and it goes on up to $25,000, $26,000, and $27,000. Sure enough. We saw that the one part of the Republic budget that was before the Senate was not only to provide $270 billion in tax cuts for the wealthy individuals but to cut back on that help and support for working families that have children. It was about the same time that Republican opposition came about in terms of opposition to the increase in the minimum wage; about the same time.

What is it about—$27,000 for construction workers and $23,000 for working families with children—the opposition to the increase in the minimum wage that helps working families if they are by themselves, or just a couple? Families are aided more by the earned-income tax credit if they have several members in their families and working in that particular area. But we have the cutbacks in the earned-income tax credit and the opposition in terms of the increase in the minimum wage.

Then we came out on the floor of the U.S. Senate on that budget which provided corporate raiders the opportunity to invade pension funds. We had a vote here of 94 to 5 to close that out. That went over to conference with the House of Representatives, and the doors had not even closed, and the action that was taken overwhelmingly by the Senate was effectively eliminated.

We should not have been so surprised at that because when we tried to close the billionaires' tax cut that provides billions and billions of dollars to a handful of Americans who make it in the United States and then renounce their citizenship—the Benedict Arnold provisions—and take up citizenship overseas to escape paying their taxes here, we repealed that two different times, and we could not kill it. We went over in the conference, and it kept coming back. There just was not a tax break out there for powerful interests that the majority was not prepared to support.

Here they go again looking after the company heads, those heads of companies that want to set up phony unions and exploit the workers. That is what this is all about. It was virtually unanimously rejected by the Dunlop Commission, a Republican, former distinguished Secretary of Labor, a balanced commission of Republicans and Democrats, representatives of employees and employers. They rejected that concept of going in this nefarious direction. We have got it back now.

I talked earlier today about how Republicans cheered with the emergence of solidarity in Poland in opposition to effectively have company-run unions and company-structured benefits and wages in all workplaces in Poland and, for that matter, for all of Eastern Europe. The reason Republicans—President Bush, Republicans all over—hailed Lech Walesa and those brave shipyard workers—many of us have had a chance to visit that shipyard, and we have seen the memorial outside where those shipyard workers had faced down the military that shot many of them in cold blood as they were demonstrating for their own economic rights. We cheered them on and we supported them. Why? Not because they had a government-run union or controlled company union, but because power was going to the people and they were representing themselves and working for democracy and fighting tyranny.

Now we are going just in the opposite direction here. We are falling over ourselves with time limits and no effective debate on this issue, which I call the antiworkplace democracy act.

Mr. President, it will undermine that kind of effective empowerment which permits workers to be able to sit across the table and to be able to represent their own interests and to be able to try to work out a process by which their sweat and their work will be respected instead of being dictated to as was the case before the National Labor Relations Act.

So, Mr. President, this issue that is before us today is basically about workplace democracy. It is about whether workers should have the right to choose their own representatives and not have them dictated by the company, or the Government. This is not a new issue for our country or the world. This very issue was fought out in Eastern Europe and the Soviet Union over many years. When the Communist Party controlled the governments in those countries, they established sham unions which were completely dominated by the government instead of being freely elected by the workers. In effect, these sham unions were the means by which the Communist Party subjugated workers throughout these countries, suppressing their wages and living conditions.

The effect of the company-run unions is to suppress the wages and working conditions and living standards. As we know, Lech Walesa finally stood up and challenged the antidemocratic system when he jumped over the wall at the shipyard in Gdansk and led workers out on strike. The central issue was workplace democracy.

This legislation, this antidemocracy piece of legislation, is not about empowering workers and workers' rights; it is about empowering companies and management rights. That is what it is about. That is what we are basically talking about. It is not just a little bill to talk about cooperation. We have already addressed that issue. We have cooperation. It is important. We support it. That is not what this is about. That is not what this bill is about.

Now, thanks to the courageous actions of Lech Walesa and thousands of Polish workers, they finally prevailed in their struggle for workplace democracy, and the strike at Gdansk not only led to solidarity of the free and independent Polish trade union but also led ultimately to the collapse of communism.

When Lech Walesa visited the United States, he was widely honored and acclaimed by Republicans and Democrats for his courageous struggle on behalf of workers' rights and democracy.

Mr. President, I submit that American workers are entitled to the same fundamental rights as the Polish workers and workers throughout Eastern Europe and the Soviet Union. If we believe that workers should have the right to choose their own representatives in these countries, then we should also be committed to the principle that American workers should also be guaranteed this same right. If it is wrong for the government-run companies in Poland and other Communist countries to dictate who would serve as the representatives of their workers, then surely it is wrong for companies in this country to dictate who will serve as representatives of American workers.

I do not understand why that concept should be so difficult to understand. We cannot shower Lech Walesa with praise and honors for his leadership in the fight for workplace democracy and then try to deny democratic rights to American workers. That is what the fight over S. 295 is all about. That is why this bill should be known as the antiworkplace democracy act, because that is what it is designed to do. It is designed to undermine the rights of workers to democratically elect their own representatives who can sit down as equals with the employer to discuss wages, hours and other terms and conditions of employment. It is designed to allow employers to establish sham, company-dominated committees which can be controlled and manipulated by management as a means of suppressing legitimate worker aspirations. And it is no secret why big business is pushing the antiworkplace democracy act.

Just as the Communist-dominated unions in Poland and the Soviet Union were an instrument for suppressing workers' wages and benefits, the sham company-dominated unions which would be legalized under S. 295 would be used as a mechanism for holding down wages and benefits of American workers, just at a time when I thought we were beginning to understand the importance of addressing this fundamental development in our economy that working families are being left further behind in the last 10 to 12 years, and we ought to be trying to find ways of working together to try and

see that they are going to participate in the economic growth and expansion of our society rather than freeze them out.

If workers are denied the right to have their own independent representatives, clearly it becomes much easier for the employers to say no to their demands for better wages, better health care, better pensions, and better and safer work conditions. For as long as employees are precluded from having their own independent, democratically elected representatives, then it becomes very difficult for workers to improve their standard of living and conditions of work. Thus, the current effort by our Republican friends to pass S. 295 is simply another example of GOP attacks on workers' rights and the standard of living of working men and women.

The Republican leader continues to block the efforts to pass a modest increase in the minimum wage which would help provide a living wage to millions of low-income working families at the same time their leaders are pushing S. 295 in an effort to give big business another weapon for suppressing the wages of millions of workers throughout this country. It is time to call a halt to these attacks on American workers. It is time to stand up for democracy in the workplace and the right of workers to choose their own representatives, not have them be dictated by the company or the Government. It is time to stand up for the rights of workers for better wages, better benefits, and better conditions of employment—in short, the right of workers to freely and democratically improve their standard of living.

Mr. President, we will have an opportunity, I imagine, to address the Senate further on this issue. I see others of my colleagues wish to address the Senate, and I will return to this subject at the appropriate time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I have listened intently to the impassioned pleas of my good friend from Massachusetts, with whom I have served either across the bodies here in the House and Senate or across the aisle in the Senate for 22 years now. He is articulate. He believes strongly in his issues.

I would like to, however, try to get us back to the issues as I see them and as I believe they are before us in this body. Few of my colleagues in the Senate support all three of the measures that are before us today. I am one of those. I support repeal of the gas tax because it does not go where it ought to go—into infrastructure repairs which would benefit the users. I support increasing the minimum wage because I believe it is due time that it be increased to reflect the reality of the wages and cost of living in our country. And I am an original cosponsor and a strong supporter of the TEAM Act because I believe we are here talking about not the issues which have been raised by my good friend from Massachusetts but, rather, about improving productivity and working together to straighten out some provisions of the law which have created havoc with respect to businesses working in a friendly relationship with employees in order to improve productivity.

That is the issue which we have before us. It is a volatile issue because the unions sense that this will somehow inhibit them from being able to organize and represent workers. However, they are wrong. The bill does not apply if there is a union present.

We have also in the act before us, S. 295, specifically stated that it will not interfere with union operations or interfere with the desires of a union.

Let me just read those words, and then I will be happy to yield to the Senator from Arizona.

What we do is we modify the provision of the law which does define these matters, and we add these words. First of all, we do not change in any way section 8(a)(5), which defines the employer obligation to bargain collectively with the union that is the certified representative of the employees. We do change section 8(a)(2) because of the ambiguities inherent in the act. There are some 70 cases now which have tried to define the line as to whether or not discussions by employer-employee work teams or other cooperative groups are infringing upon workers' rights to only be represented by a union. But there is no clarity on this issue.

We add these words. They can discuss matters of mutual interest, including issues of quality, productivity and efficiency, and then it adds:

> And which does not have, claim or seek authority to negotiate or enter into collective bargaining agreements under this act with the employer or to amend existing collective bargaining agreements between the employer and any labor organization.

That just clarifies it. What you have now is they say, well, why bother, because you have thousands and thousands of these teams out there, but every one of them, if you take a look at those 70 cases which cut one way or another, what you have is 70 areas of confusion, leaving employers in a position to have an action brought before the National Labor Relations Board where they can get a cease-and-desist order and demolish the team, they can be fined. So this is just an attempt to make sure that what ought to be done can be done and there should be no disagreement about it.

I would be happy to yield to the Senator from Arizona.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. JEFFORDS. For a question.

Mr. McCAIN. I wish to ask a question of Senator JEFFORDS.

I ask my colleague and the Chair if I was appropriate in demanding regular order as an aggrieved Senator when the Senator from Massachusetts and the Senator from Illinois were in a colloquy which was not within the rights of the Senate. I would ask the Chair if I was within my rights in calling for regular order at that time.

The PRESIDING OFFICER. The Senator may call for the regular order.

Mr. McCAIN. At any time, whether I happen to have the floor or not? If I saw a violation of the rules of the Senate, I was within my rights as a Senator to call for regular order; is that correct?

The PRESIDING OFFICER. By the rules of the Senate, you are correct.

Mr. McCAIN. It is very unfortunate, I say to my friend from Vermont, the Senator from Massachusetts continues to violate the rules of the Senate and then—he has been here for more than a few years—and then rides roughshod over a legitimate objection made by a colleague. You know, it has characterized, I am sorry to say, my exchanges with the Senator from Massachusetts. I want to let it be on the Record that when I see the Senator from Massachusetts violating the rules of the Senate, I will act within my rights, and I hope the Chair, rather than what happened, his yelling for regular order, that the Chair will intervene, because I was fully within my rights as a Senator to intervene when the rules of the Senate were being violated.

It is very unfortunate, and it does not help the comity around here, when the Senator from Massachusetts deliberately violates the rules of the Senate and then, when called that those rules are being violated, continues to just act in a bellicose fashion.

I think he owes the Senate and me an apology.

Mr. President, very briefly, the Democratic leader came to the floor of the Senate and, in response to a request for a unanimous consent—a request by the majority leader—he then asked that campaign finance reform be added. When the majority leader refused, the Democratic leader, Senator DASCHLE, then objected to the proposed unanimous-consent agreement.

I know it is getting very politicized around here. I know things are getting rather tense. I understand the tactics that are being employed by the minority. I understand them, and I do not disrespect those tactics.

But when the Senator from South Dakota, the Democratic leader, comes to this floor and talks about campaign finance reform and politicizes that issue, when I have been working with the Senator from Wisconsin and others on a bipartisan basis, and attempts to use it for political gain, then I have to

come to this floor and take strong exception to this crass politicization of this issue which for 10 years was blocked, was blocked because it was politicized.

The Senator from South Dakota is not a cosponsor of the bill. He has announced that he is opposed to certain portions of the bill. Yet, he has the chutzpah to come to the floor of the Senate and call for the inclusion of campaign finance reform being included in a unanimous-consent agreement.

I have been working with the majority leader and I have been working with my friends on the other side of the aisle, trying to work out an agreement where we can bring this issue up, where we can debate it and dispose of it one way or another. If the Senator from South Dakota wants to politicize this issue, then that is fine. But what he will do is politicize this issue, and then we will make no progress.

I remind my colleagues, for the first time in 10 years we have a bipartisan bill, and we have to move forward in a bipartisan fashion. The distinguished majority leader has expressed his willingness to try to work out some kind of accommodation. But if the Democratic leader comes to this floor and politicizes this issue, then we will make no progress. Again, the American people will be deeply disappointed. I hope—I hope—the Senator from South Dakota will let us work through this, bring it up this month and have this issue disposed of one way or another.

Again, I express my deep disappointment that the Senator from South Dakota should stoop to politicizing this issue in that fashion.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Vermont has the floor.

Mr. WELLSTONE. Could I ask my colleague, and this is asking for a courtesy, that I might have a moment? It will not be acrimonious at all.

Mr. JEFFORDS. I yield for a question only. I am trying to get back on the discussion.

Mr. WELLSTONE. Just in the form of a question, I guess. The Senator yielded for a question from the Senator from Arizona; is that correct? It sounded like——

Mr. JEFFORDS. If you have a question for me, I will be happy to yield to you for the question.

Mr. WELLSTONE. I do. I will be brief. I am sorry to put it this way but it is a question, in the form of a question, but it is a point. In the spirit of honesty, I just wonder whether the Senator from Vermont knows—whether or not the Senator from Vermont knows that, as much respect as I have for the Senator from Arizona, and I love working with him on issues, that I believe that this morning—I could be wrong, we can look at the record, but I was here out on the floor—I wonder whether the Senator from Vermont knows that when the minority leader came out, he was just simply saying that, if we keep putting together all these different kinds of pieces of legislation, what will be the final combination? He then went on to say, we could have campaign finance reform, we could have foreign policy, we could have something dealing with arms agreements.

I do not think it was an announcement that in fact the minority leader intended to put the campaign finance reform bill, the bill so many of us have worked on, as an amendment on this.

I wonder whether the Senator understands that? That is a clarification.

Mr. JEFFORDS. I am not clear as to what all the discussion was on the floor at that time, so I will have to let the record speak for itself in that regard.

Mr. WELLSTONE. I thank the Senator for yielding to me.

Mr. JEFFORDS. Mr. President, I think we ought to get back to the extremely important issue which is before us today, and that is the TEAM Act.

I am a cosponsor of the TEAM Act because I believe that cooperation between employers and employees is the wave of the future, and it should have been the wave of the past.

We went into it at length yesterday, in discussing what happened some 40 years ago when the issues were how management and labor can get together and go into the future in order to work hand in hand to improve productivity. The problem was we did not change the then so-called Taylor policy of real confrontation and arm's-length negotiations between the workers and management.

Our competitors—and this is the issue of the day—on the other hand, in Europe and in Asia, said, "Great idea over in America. You have a great idea." Briefly, I would say, there was a U.S. company that did the same thing, the Donnelly Corp. If you want to read a record of the difficulties they have had over the years, trying to defend what is entirely within the TEAM Act's perspective and would be allowable matters for them to get together and improve productivity, you will understand why we are here today—to get rid of the ambiguities, to make it crisp and clear that, if a company works with employees on productivity, as long as they do not get into matters of collective bargaining, et cetera, it is perfectly allowable. But right now there are thousands of teams that are out there that are in jeopardy of being brought to the NLRB and then being given an order to get rid of the team they are working with, and they could be fined.

So that is where we are. I want to make sure we understand that. Over 30,000 companies use employee involvement programs. The TEAM Act addresses the concern that the National Labor Relations Board, the NLRB, will discourage future efforts at labor-management cooperation. Specifically in the Electromation decision, the NLRB held that the employer-employee action committees that involved workers meeting with management to discuss attendance problems, no-smoking rules, and compensation issues constituted unlawful company-dominated unions.

Congress enacted section 8(a)(2) of the National Labor Relations Act forbidding employer domination of labor organizations to eliminate the sham unions of the early 1930's. No one disagrees with that. The TEAM Act is a direct recognition that the world of work has changed since the 1930's. In that era, many American businesses believed that success could be achieved without involving workers' minds along with their bodies. In those days, with the kind of work that was there, that is probably true. But today, recognition is widespread among business executives that employee involvement from the shop floor to the executive suite is the best way to succeed.

The employee involvement efforts protected by the TEAM Act are not intended to replace existing or potential unions. In fact, the language of the bill that I read earlier specifically prohibits this result. The legislation allows employers and employees to meet together to address issues of mutual concern, including issues related to quality, productivity and efficiency.

However, those efforts are limited by language that prohibits the committees or other joint programs from engaging in collective bargaining or holding themselves out as being empowered to negotiate or modify collective bargaining agreements. That is all it does.

Mr. President, the essence of the matter is that the definition of labor organization under the NLRA is so broad that whenever employers and employees get together to discuss such issues, that act arguably creates a labor organization. In that situation, the existing language, section 8(a)(2) comes into play. The question becomes whether the employer has done anything to dominate or support that labor organization. Such domination and support can be as little as providing meeting rooms or pencils and paper for the discussions. This is simply too fine a line to ask employers to walk successfully.

We want to clear that line up to make it absolutely clear that things everyone would agree are sensible, logical and appropriate can go forward without having the NLRB stop in and say, "No."

Earlier, I heard Senator KENNEDY state that upward of 80 percent of American companies are engaging in

some form of teamwork or other cooperative workplace programs. Fine. His conclusion is that all this activity is going on out there now without a change in the law, so there is no need to change the law.

What that argument misses is the fact, as I have said, that much of this activity is a technical violation of existing law. While these programs may be doing wonders for the productivity of the company where they are employed, any one of them is no more than a phone call away from running afoul of the NLRA.

What we have to remember is that the NLRA is very specific in all of the decisions, some 70 of them, where all these kinds of borderline cooperative activities are illegal and the defense of an employer is very fragile.

It is no defense to an unfair labor practice charge that the program is working, that working conditions and productivity have improved and the company's bottom line has risen. None of this matters if it is a technical violation of the antiquated rule. The NLRB will shut down the team, fine the company and force it to sign papers swearing it will never do it again. The TEAM Act will prevent continuation of these absurd results so detrimental to the national interest.

I recently was visited by a workplace team from my own State of Vermont. I am certain that many of my colleagues in the Senate have had similar visits, since there are successful teams operating all over the country. The workers who visited me were from IBM, the computer-chipmaking facility in Burlington, VT. The more traditional top-down management style still prevails on most shifts and in most departments at their plant. However, on the night shift at this plant, the workers decided about 3 years ago to try a cooperative work team. They chose the name Wenoti, meaning "We, Not I." In other words, the workers and the company would work together toward common goals. Wenoti was their group. That name is a combination, as I said, of the words "We, Not I" to symbolize their focus on what is good for all and not just one.

When the team representatives came to my office a few months ago, they were as proud a group of employees as I have ever met. The Wenoti team consistently leads the plant in all productivity and quality-control measures. Moreover, they told me that their job satisfaction has risen directly in relation to their ability to contribute meaningfully to the successful completion of their job. That is what this is all about. For God's sake, what is wrong with it? How can anybody argue that fostering this progress is not good for the country?

IBM is a profitmaking organization. It is not promoting employee involvement solely out of altruism. Rather, IBM has come to the realization that employee involvement is vital to the company's bottom line. Doing so has the added dividend of giving employees a greater stake and greater satisfaction with their jobs.

Time and again you hear employees praise companies that do not ask them to check their brains at the door. So if affected employers and employees support this legislative effort, what is the problem? It comes as no great surprise that organized labor takes a dim view of it. Oddly enough, to do so, it must take a dim view of American workers as well.

Organized labor's arguments are based on the assumption that workers are not smart enough to know the difference between a sham union and a genuine effort to involve them in a cooperative effort to improve the product, productivity and their working environment. I think workers are smart, and I think that is exactly why employers are trying to harness their brains in the workplace as well as their backs.

The real problem for unions is that under current law, they have a monopoly on employee involvement. Like the AT&T or the Vermont Republican Party of old, nobody likes to lose their monopoly. But consumers or voters or workers profit from choices and competition, not from static responses to a changing environment. This is clearly the trend of the future.

Yesterday, I spent some time before my colleagues going back into the history and pointing out that I thought it was ironic—if you can just get the unions to sit down and look at what has happened in the last 40 years—that it was back 40 years ago when the leaders in academia and others who had studied business and were looking toward the future and wondered what could be done to ensure that we improve productivity in this Nation. They came up with concepts that said if we could get workers and business to work together so that there is productivity and then profit, and then that profit can be split, everybody gains, everybody benefits.

All sorts of suggestions were made. I went through them yesterday. What about dividends to the employees in terms of stock profit-sharing or stock options or even going so far as to put a member of the union or the workers' representative on the board of directors?

What happened in this country? Little or nothing. A few companies like Donnelly, which I mentioned before, took it to heart and were very successful, but the majority of ours did not.

What happened overseas? The Japanese, the Germans, and others looked at these and said, "Hey, good idea." The ironic part is, their unions, having adopted that philosophy, are now stronger and much more dominant in their industries than ours are. So why would the unions in this country want to continue to do what created, in my mind, their failures? And that is, not to recognize that much more gets done by working with management with an eye toward improving productivity.

Mr. President, if you really want to understand better what is going on, Hedrick Smith, who I am sure many of my colleagues know, is a Pulitzer Prize winner and author of "The Power Game" and "The Russians," wrote a tremendous book. It is "Rethinking America: A New Game Plan for American Innovators, School, Business People and Work."

It really outlines the serious problems we have in this Nation. It outlines those problems which are giving us trouble now. On education, Hedrick, as he traveled all over the world going to education centers, going to schools and examining what is going on in Japan and what is going on in Europe and what is going on in this country, finds that we have been placed way back in our ability to compete in our educational system.

I will not dwell on it today. I dwelled on it before. That is a very critical part. What they learned is, you have to start cooperation of people in the schools. In Japan, for instance, they learn right from day one that everyone works together. In the grade schools, everybody works to make sure everybody reads, right on through.

Then they also realized—this is true in Europe also—that the time for business to get involved, the time for business to get involved in education, is not after a kid graduates from high school, but, rather, when they are in high school or middle school. So they designed programs for skill training where businesses come in and they are held just to dramatize how the different systems are.

In this country, our businesses spend $200 billion a year—$200 billion a year—in the training and retraining of the kids that graduate from high school in our work force. The Europeans —and that is just Europeans—spend the same amount of money, $200 billion. You know where they spend it? In high school and middle school, so when the kids graduate from high school they are already a trained work force.

Our schools have failed to recognize the importance of that. We have to change that. We are beginning to change that. I was in Mississippi this past weekend, and the area has had a very difficult time with their education. But they have learned from it. They are now revitalizing their schools and their whole vocational-educational programs to model them after what is going on in Europe and Japan. The rest of the country has to do the same thing.

Hedrick Smith spent a lot of time putting this together. He went,

articulately, through and documents exactly what happens. But for relevance today, he goes through what happened in the businesses in Europe and the businesses in Asia after the 1950's when our academia and some business leaders recognized that the wave of the future, due to all the technology changes and all, was to make sure we had a qualified work force that was available and ready to work but, most important, that when they were working, with all the kinds of technology changes and the complications of the industrial structures now, that the workers are the best ones to know when the quality is going down or what to do to improve the quality of your goods and services. So they worked with them. And, lo and behold, we had to learn that.

There are wonderful stories about how Motorola got involved in understanding this and how they went through and realized that if they did not improve the skills of their workers and did not work together and get them to help them out, they could not compete in Japan. So they changed their whole operation, and they were able to keep jobs here instead of losing them.

Senator KENNEDY talked about—maybe it was the minority leader—about the huge expansion of the profits in our corporations, but if you examine those profits, you will find that most of those profits are coming from overseas ventures. We should be keeping those ventures here. But we cannot do that if we do not improve our education but also, as importantly, if we do not have the TEAM Act to allow the workers to work with the employers, to improve productivity, to understand what is going on on the assembly line, to correct the problems which are creating goods that are not saleable before they become that. That is the lesson that we have to learn in this country.

It is productivity that is the issue here. Is this Nation going to be as productive as it can and must be in order to endure as a leader in economics in this next century? We are about there now. We established sometime ago—in 1983, we took a look at our educational system and said, "Hey, yeah, you're right. We have to improve it. The present system isn't going to work." We have not entirely touched on improving it. So we have to do that.

Also, essentially, at that time, especially with auto workers, there is another example, and I would hate to see it kind of reverting back. The UAW recognized that they had to change their ways when they saw the flood of cars coming in, much higher quality from Japan and Europe, and demolishing their markets. So they finally said, "Oh, boy, we've got to change our ways." So they sat down, and, working with management, they improved their productivity, improved their quality and got together. And we were able to change things to meet the markets.

We have to be ready to do that or we are going to be driven out. The future of this Nation depends upon our ability to compete in the world markets. There is fantastic opportunity out there, but we cannot be dragged down by old concepts from the 1930's on what worker-management relationships should be. We have to look to the future. The TEAM Act is a leading tool to do that. It will clarify the law. It will legitimize about 30,000 teams that are out there, which are in jeopardy right now if we do not change the law.

So I urge all of my colleagues to please support the TEAM Act. As I said earlier, I support all of these issues that we are facing. I have no bias one way or the other. I am looking objectively at these things and think we should pick and choose those. And, finally, I would thank my colleagues for their time and would hope everyone would get down to the real issues here and not try to get tied up with the emotionalism and rhetoric.

Mr. President, I yield floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Thank you, Mr. President.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. First, with regard to the matter that just came up on the floor a few minutes ago, I want to clarify an exchange that occurred with regard to the issue of campaign finance reform. The Senator from Arizona came to the floor and spoke and pointed out that he had heard the minority leader asked unanimous consent that the campaign finance reform issue be added to a unanimous-consent proposal that the majority leader had propounded. The Senator from Minnesota, Senator WELLSTONE, indicated that he believed a different attempt had been made and that in fact the minority leader had simply suggested that this was a matter that might come up.

The Senator from Minnesota asked that I clarify this issue and that it is, in fact, the case that the minority leader, Mr. DASCHLE, did specifically ask unanimous consent that campaign finance reform be added to the unanimous-consent agreement. So, in fairness, the Senator from Arizona did accurately portray what was requested.

Let me just say this, however. It is very important, as the Senator from Arizona indicated, as I know the Senator from Minnesota believes, that this issue remain not a part of partisan bickering. Obviously, there are many reasons why some partisanship is being demonstrated on the floor at this time. That is entirely inappropriate on some of the issues that are being discussed. But I agree with the Senator from Arizona that when it comes to campaign finance reform, in this session, with this Congress and this President, that it has to be a bipartisan effort.

It is my view that when Mr. DASCHLE, the minority leader, made this unanimous-consent request, that he was not seeking to make this a partisan issue. Senator DASCHLE has indicated that he believes that the so-called McCain-Feingold bill ought to be the vehicle for achieving campaign finance reform. He has indicated that he disagrees with some aspects of it. But I believe that the Senator from South Dakota is a friend to the issue of campaign finance reform.

Nonetheless, I think we will do better on the issue of campaign finance reform if it is offered on the basis of a bipartisan agreement, either by Senators working together on the bill, as Senator MCCAIN and Senator WELLSTONE and I are doing, or preferably if the two leaders, the Senator from Kansas and the Senator from South Dakota, were to get together and make sure that in the very near future this body turn specifically to the issue of campaign finance reform as the order of the day. That is what all of us who cosponsor this bill prefer, although we stand ready to attach this bill as an amendment to other legislation if we are not afforded that opportunity.

So let me just reiterate, the campaign finance reform effort is the first bipartisan effort of its kind in 10 years in this body. It is a real effort. It is an effort that has enormous support, and we will not allow any partisan maneuvers on either side to prevent us from our opportunity to make this change that the American people want very, very much.

INTERNATIONAL TRADE AND BRIBERY

Mr. FEINGOLD. Mr. President, on another matter, international trade is a high priority in almost every country today. We are negotiating all sorts of agreements to bring down barriers and protect our workers and promote economic development worldwide.

One issue, Mr. President, that I have tried to identify as a barrier for competition for American businesses is the issue of bribery. American businesses live in accordance with the Foreign Corrupt Practices Act. This was a bill offered by my predecessor from Wisconsin, Senator William Proxmire. Most businesspeople praise it as a way of maintaining honesty, and thus stability, in their business relationships. But, unfortunately, other countries—and one example is Germany—actually give their businesses the opportunity

to write off a bribe in a foreign country as a tax deduction at the end of the year. So it is illegal for one German to bribe another German, but if they were to offer that bribe to somebody in another country, they can use it as a tax deduction. This produces some pretty unhappy faces when American businesspeople find this out.

Some say that bribes are the cost of doing business overseas, particularly in some developing countries. I believe, however, it is a barrier to doing business in the long run, particularly overseas, since it can only retard economic growth in some of the developing countries.

As a result, Mr. President, I have introduced legislation to try to get at this problem. In the State Department authorization bill for this year, I offered an amendment requiring an interagency study on bribery and corruption and the impact it causes on American businesses. I was disappointed that the majority dropped it in conference committee, but I am pleased that the Commerce Department is going ahead and pursuing a study of its own on this study anyway. I appreciate that.

I have also raised the issue of international bribery consistently in the Senate Foreign Affairs Committee, not only as we examine how to promote U.S. products, but in my role as the ranking member of the Subcommittee on African Affairs, to try to raise the issue of bribery with the African heads of States and other officials when we have confirmation hearings for ambassadors headed to the region. I believe that the ambassadors should be intimately involved in this issue as we seek to promote American products overseas.

I also want to praise Ambassador Kantor's very direct and public efforts on this issue and to say that I think his recent efforts have been critical in making headway on a universal acceptance of the principles that underlie the American Foreign Corrupt Practices Act. I am particularly encouraged that the administration seems to want the WTO to consider sanctions against bribers when Government contracts are under consideration.

Mr. President, it is important that even though we have this tough law and our businesses have to abide by it, we are not alone in this campaign. There have been many significant accomplishments. The Organization of Economic Cooperation and Development, OECD, took a landmark step 2 years ago in recognizing that bribery is a destabilizing factor in international trade, and they recommended that the member states cooperate on revisions of their domestic laws about bribery.

Several weeks ago, OECD tried to eliminate tax writeoffs on the laws of the member States of the kind that exist in Germany. Latin America has also taken this issue on. In March of this year, the Inter-America Convention Against Corruption, known as the Caracas Convention, identifies corruption as a main obstacle to democratic development in public trust in government institutions, and it also calls and provides for the prohibition on transnational bribery.

Mr. President, perhaps some might see this document from the Inter-America Convention as a utopian document that cannot be enforced, but what it does do is begin the process, in Latin America, as has been done in the rest of the world, to commit the parties—in theory, at least—to the notion that bribery is a destructive force in democratic development and international business.

Given the developments with the OECD, the United States and Latin America, one would have thought it was a trend for the future, but we are really making progress. Unfortunately, however, at the end of April, the seven-member Association of Southeast Asian Nations spoke out for the first time on the issue of bribery and unfortunately opposed any attempt by the United States to stamp out corruption, saying they would not talk about it in the context of the World Trade Organization.

Deputy United States Trade Representative Jeff Lang tried to raise the issue and was criticized by Malaysia and Indonesia officials for plotting against the developing nations. This reaction to the seven countries is a very counterproductive reaction. We focus on bribery to engage more in business, not to discriminate. I hope that Malaysia and Indonesia and others think of this as an area of cooperation, of mutual interest, rather than an area for polarizing, as has been done in this case.

Mr. President, to conclude, if international markets are indeed to connect nations around the globe, somehow we have to be able to conduct business in a transparent and responsible manner. Bribery has to be discouraged, not rewarded, by all governments.

I hope that the ASEAN countries will reconsider this issue and join governments from every continent in seeking to end the corruption that does exist in international markets.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3960

Mr. FAIRCLOTH. Mr. President, I rise today in support of the teamwork for employees and management. If ever there were a law that makes no sense, it is to forbid teamwork between management and employees.

This is a bill to encourage worker-management cooperation. It is sorely needed in this country in industry today. Senator DOLE has made this part of the repeal of the gas tax and a rise in the minimum wage. The TEAM Act will permit employees in nonunion settings, which are most of the employees in this country, to work with management to address, in a commonsense way, workplace issues that are mutual interests and will benefit the workplace scenery and the company as a whole.

Under current law, these discussions are permitted only if employees are represented by a union and the discussions go through the union bargaining representative. Nothing could be more ludicrous as a way to have cooperation than to have to channel your discussion through union representatives. It just does not make common sense, or any other kind of sense.

The current law prohibits workers and managers in nonunion settings from sitting down to cooperate on a long list of basic workplace issues—safety, quality, and productivity. By not allowing employee involvement, this antiquated law deprives 90 percent of U.S. workers in the private sector of having any voice in their workplace. They simply cannot talk to the owners and the management for whom they work, and you eliminate cooperation. The lack of employee involvement also makes the American industrial sector less competitive. Almost every U.S. industry faces strong and aggressive competition from foreign firms that are free to draw on and utilize the ideas, thoughts, and abilities of their employees. They use this to compete against American companies and American workers.

Now, American business leaders know that including employees in this decisionmaking would make them more competitive. They would have an ability to draw firsthand on the workers, what would be more efficient, more effective, and what would cut costs, which would certainly lead to increased competitiveness. The older approach of telling workers, "When you punch the time clock, leave your mind at the door," and dictating to them how to do the job without having any back-and-forth discussion with the worker as to the best way to do the job is absolutely the worst law, which should be abandoned. Employers know that the people who perform the work know better how to do it and the most efficient way to do it.

It concerns me that, under current law, employees cannot be involved in

workplace decisions, unless they do it through a union steward or a union representative. Workers that are knowledgeable about how to do the work, how to do it better, should have a say in making the decisions and certainly should share their opinions about how it should be done. Employers are anxious to listen to them. They are anxious to have the input and the advice. They want it. The TEAM Act will give employees the voice in the workplace that everyone wants them to have and that they want to have.

Mr. President, I am a cosponsor of Senate bill 295. I believe this legislation is essential if we are going to improve our competitive position in America as compared to other countries around the world—especially in manufacturing, where we so sorely need jobs to be created.

If we are really concerned about doing something to help the working Americans to improve their lot in life and also the competitiveness of the country as a whole, the best we think we can do is to pass the TEAM Act.

Mr. President, I thank you. I yield the floor.

Mr. PRESSLER addressed the Chair.

THE PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. I thank the Chair.

(The remarks of Mr. PRESSLER, Mr. WARNER, and Mr. BRYAN pertaining to the introduction of S. 1735 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I thank you. I just have a few words to say about the state of affairs on the floor of the U.S. Senate.

I was somewhat appalled with the President's press conference, which is clearly as blatantly political a press conference as I believe has ever happened in this town, basically saying that the Republicans are tying up this legislation in the Senate today.

How could anybody make that comment when his own side refuses to grant cloture on something as simple, as fair, as decent, as worthwhile, as bipartisan as the Billy Dale bill? And they do it all under the guise that they are not getting what they want on the minimum wage, and then they vote against cloture today knowing that Senator DOLE said they can have a vote on their minimum wage. But if they want their vote on minimum wage, we are going to do something about the gas tax, and we are going to do something about the TEAM Act.

I have to say I support Senator DOLE in his effort to repeal the 4.3-cent-per-gallon tax on gasoline that President Clinton and the Democrats passed back in 1993. While some critics might try to dismiss this bill as an election year gimmick, I believe they are missing the main point. This is about far more than just the 4.3-cent gas tax.

The fact is the 1993 tax bill was the largest tax increase in history. We are now paying taxes at the highest rate in history. Yesterday was tax freedom day, signifying how long we have to work just to pay our State and local taxes, and that does not include all the costs of regulatory burdens and other things. As of yesterday, the seventh of May, it took the average American all those months, the first 4 months and 7 days, just to pay their Federal and State taxes. Think about that.

The fact is that the President has added the largest tax increase in history. We are paying at the highest tax rates in history, and we are still going into debt phenomenally because the tax increases, like the gas tax, have not gone to fill the pot holes in the roads or to help our highway system or to help States with their peculiar difficulties in highways and roads; those moneys have gone for more social spending, more social welfare spending by none other than Democrats throughout the country.

Frankly, they have used the gas tax, which is disproportionately unfair to the poor, disproportionately unfair to the West, disproportionately unfair to rural States, and plowed it all back into their core constituencies right back here, primarily in the East, or in other large major urban areas, rather than using those funds to benefit everybody through road improvements.

We are talking about $30 billion here that we are going to repeal. Our colleagues on the other side really do not want that repeal to occur, because that means there is going to be more pressure on them because they will not be able to spend more and more buying votes out there in social spending programs, which has been the route that they have taken to power for most of the last 60 years. It is not right. It is not right. It is not fair. It is disproportionately harmful to the poor. It is disproportionately harmful to the West. It is disproportionately harmful to rural States, and it is time to be fair in this process.

Well, that is what the repeal of the gas tax will do.

I have to say that this 4.3-cent tax has caused gas prices to go up. It is not the only reason it has caused it to go up, but it is one of the pivotal reasons. Gas taxes would not be as high as they are had it not been for that 4.3 cents added on in 1993.

We were told time after time by President Clinton in 1993 that the tax bill would affect only the very wealthiest in our society. Yet, that bill contained at least nine separate new tax hikes on families who are not wealthy—at least nine.

The gas tax increase of 4.3 cents per gallon was one of the worst of those. I wish we could repeal all the 1993 tax bill, because it has caused damaged to our economy.

Let me get into the 1993 tax increases on the nonrich:

No. 1, increase in individual marginal tax rates. That affects the nonrich in the cases of estates and trusts, small businesses, S corporations, and so forth. No question, there has been an increase in marginal tax rates, which always hurts the middle class.

No. 2, increase in the percentage of Social Security benefits that are taxable. This happened because of President Clinton. That is not just on the 2 percent rich, it is on many many senior citizens.

No. 3, the 4.3-cent-a-gallon tax on gasoline.

No. 4, the reduction in the compensation limit for qualified retirement plans. This is important.

No. 5, reduction in the meals and entertainment expense deduction that has cost an awful lot of damage in the restaurant industry and other industries as well, which used to be stronger because they had that deduction.

No. 6, the increase in the withholding rate on supplemental compensation.

No. 7, the increase in the recovery period for depreciation of nonresidential real property.

No. 8, limitations in moving expense deductions that have cost the middle class.

No. 9, increased marriage penalties that have always been very, very unfair.

I have to say, the Heritage Foundation, one of our better think tanks here in Washington, although conservative in nature, recently released a study that shows that President Clinton's 1993 tax and budget plan cost the economy $208 billion in lost output from 1993 to 1996. In 1995 alone, our gross domestic product would have grown by $66 billion more than it actually did if these taxes had not been raised. Moreover, there would have been 1.2 million more private-sector jobs created absent the 1993 bill, and those jobs would have meant more revenue to the Treasury, not less.

The thing that is mind-boggling is what President Clinton said. Why would he say this during his campaign, and then immediately revoke it by the tax increase? He said: "I oppose Federal excise gas tax increases."

Now, why would the President say that if he did not mean it? No sooner does he get elected than he does the exact opposite. That is what Bill Clinton said when he ran for President in 1992: "I oppose Federal excise gas tax increases."

But what he did once he was elected was push through the Democrat-controlled Congress a permanent 4.3-cent-per-gallon gas tax hike as part of his

overall $268 billion tax increase in 1993, the largest tax increase in history.

Not a single Republican in the House or the Senate voted for that tax increase. Just think about it. His gas tax increase affects all Americans, not just the rich. In fact, President Clinton's gas tax hike hits hardest those families least able to afford it.

Now, as Senator DOLE said today, drivers across America are paying for the President's mistake. President Clinton raised the gas tax hoping to generate $25 billion. That is what the administration represented before the Senate Finance Committee, upon which I sit. But they thought it would generate $25 billion to help fund the President's liberal agenda and social welfare programs, not to fund highway and transportation maintenance, as was historically done with general excise taxes.

The President originally wanted to raise the gas taxes even more, proposing a sweeping $73 billion Btu energy tax increase in 1993 that would have raised the price of gas by 7.5 cents per gallon. Senate Republicans, under the leadership of Senator DOLE, killed that. I was one of those who worked hard to kill that. We killed Clinton's Btu tax. It should have been killed. It was not fair. It was not fair to the average person, was not fair to society as a whole and, frankly, was not fair in light of the excessive taxes that we are paying today.

I might say, voters should not be surprised by the President's gas tax increases. As Governor of Arkansas, President Clinton raised the State gas tax by a total of 10 cents per gallon from 1979 to 1991. He loves to raise taxes. They do it under the guise that they are reducing the deficit, when in fact these taxes have gone for social spending programs. There is no question about it.

Let me just say this. The Heritage study also shows that income tax rate increases in the 1993 tax bill delivered only 49 percent of the revenues that the President promised we would have or that were estimated by the Congressional Budget Office to be received by the Treasury. When compared with the jobs that were never created because of this bill, this means we sacrificed 17,600 jobs for every $1 billion in deficit reduction. This is a very high price to pay for deficit reduction that can be achieved in a better way.

My Democratic colleagues and the President are quick to defend the 1993 tax bill by pointing out the progress that has been made in the deficit over the last few years. Let me be clear about this. Balancing the budget should not provide the rationale for raising taxes. It is merely an excuse for those who want to continue the tired, old liberal policies of taxing and spending.

For almost half of the last century, the Federal Government has spent $1.59 in expenditures for every $1 received through taxes or every new $1 in taxes. Government is not taxing the American people to eliminate the deficit; it is taxing the people in order to continue spending. I do not think anybody really doubts that on either side of the floor.

We Republicans have demonstrated that we can balance the budget without increasing taxes. In fact, we balanced the budget while cutting taxes on the American family by providing incentives for new economic growth.

Mr. FORD. Would the Senator yield for a question?

Mr. HATCH. If I could finish.

Mr. FORD. I want to ask about Social Security.

Mr. HATCH. I will be happy to yield if the Senator wants me to.

President Clinton chose to veto the Balanced Budget Act of 1995, just as in 1993 he turned his back on the American family and vetoed the bill that would have gone a long way toward reversing the tax increases he pushed through in 1993. President Clinton's veto of the Balanced Budget Act cost a family of four a minimum of $1,217 a year. A minimum. For many families, it will cost a lot more than that. That is the average family of four. This figure does not even begin to take into account possible tax savings from capital gains tax rate reductions, the adoption credit, the enhanced IRA provisions or deductions for student loan interest.

Can you imagine what it really cost the American family? The least it costs them is $1,217 a year. Also, that does not take into account the substantial savings that would accrue to American families on mortgage interest, auto loans, student loans, other private borrowing, that a balanced Federal budget would mean by lowering interest rates by an estimated 2 percent. Those are economic realities.

I am the first to agree this 4.3-cent-per-gallon tax repeal would not solve all of our problems. I agree with that. But it is an important start in reversing the trend toward taxing Americans to death. Frankly, that is what we have seen from this administration in the 4 years that it has been in existence.

I said yesterday was tax freedom day. This is the day that the nonpartisan Tax Foundation says that average American workers stop working for the Government and start earning money that they can spend on their families. That was yesterday. You have the first 5 months of this year. Never has tax freedom day occurred so late in the history of this country as it has in 1996. Look at the calendar. And 1996 is more than a third over.

Americans work one-third of the entire year just to support the Federal, State and local governments. Just think about it. A family of four in my home State of Utah, with an estimated median income of about $45,000, paid $8,800 in direct and indirect Federal taxes. On top of this outrageous amount, they must also pay over $5,700 in State and local taxes, bringing the total family tax burden to $14,500. This is an effective tax rate for the average family of four of over 32 percent. Think about it.

But if we add to this the cost of Federal and State regulations and their effect on the prices of goods and services —and, of course, we have had filibusters against trying to change the regulatory system so we can get some reason into it, so people can live within the system, so we can still regulate in a reasonable and decent way, so we do not have the overbalances that we have today—even so, if you add the cost of Federal and State regulations and the effect they have on the prices of goods and services, along with the added interest, the cost the families must pay because of our failure to balance the Federal budget, the true family tax burden is even much higher than that $14,500, or 32 percent. In fact, these costs are estimated—just these costs alone, these overregulatory costs—at about $8,600 for a family of four in Utah. Thus, the estimated total cost of government to a family of four earning $45,000 a year is over $23,000, better than half of what that family has coming in.

This is over half of the typical Utah family's income. So when you talk about repealing the gas tax, I say, let us do it. But I call on the President to go beyond this repeal and let us pass more of the significant tax relief provisions that were included in last year's Balanced Budget Act.

Having said that about the gas tax, let me just say a few words about the TEAM bill. Having been in labor, one of the few who really came through the trade union movement, I was a card-carrying union member as a wood, wire, and metal latherer. I worked in building construction trade unions for 10 years. As one who would fight for the right to collective bargain and who has fought for free trade unionists all over the world, I have to say that to allow what Senator DOLE has offered to our colleagues on the other side to be stopped—some on the other side do not want to allow employees, workers, if you will, to meet with management, in the best safety interests of the workers and of the companies—is just plain unbelievable.

There is only one reason why the folks on this other side take this position. Their biggest single funder of Democratic Party politics in this country happens to be the trade union movement. The trade union movement brings in about $6 billion a year. It is well known in this town that 70 to 80 percent of every dollar in dues that comes in goes to paid political operatives who do nothing but push the liberal agenda in this country.

Even something as simple and as reasonable and as decent as allowing workers to meet with their owners and their managers, in the best interests of safety on the job, is being fought against by these folks over here for no other reason than big labor does not want that TEAM Act.

Now, why do they not want that TEAM Act? I cannot see one good reason why, except you have to think like they do. They know that the more the employees and the employers get together in meetings and discuss things, the more they find common ground, the better the employees understand the management concerns, and the better the management people understand the employees' concerns, the better they work together. Because of that, the union movement believes they will find there is no need for a union because management will treat the employees fairly, and the employees will treat management fairly. Why pay union dues? That is pretty shortsighted.

There are good reasons to have unions. Frankly, unions should not be afraid to compete in a reasonable situation. If they have good programs and they have good policies and they have good approaches, the employees will join them. If they do not, then they are not going to join. That is why the movement dropped from 33 percent of the work force down to 13 percent of the work force today. It is because of being afraid of even allowing employees and employers to get together. Why are they not allowed to get together under current law? You would think reasonable, educated, civilized countries would allow employees and employers to get together and talk about safety and the best interests of both sides. You would think that would be just a given.

The reason it is not a given, Mr. President, is because the National Labor Relations Board has been taken over by Clinton appointees who do whatever organized labor within the beltway wants them to do, regardless of whether it is in the best interests of the worker. A few years back, the National Labor Relations Board threw out the right to have teamwork together between management and labor, causing a divide and divisiveness that should not exist, for no other reason than because their largest supporters, the union leaders in Washington, did not like it and were afraid they might lose union members because of a reasonable relationship with management.

That is ridiculous. It is not right. It is not fair. That is what the National Labor Relations Board ruled. Now we are stuck with it unless we pass a statute that allows these two interested parties, who ought to be getting along together, who ought to look for common ground, who ought to work together in the best interests of safety, unless we allow them to get together. That is all this is. It is such a simple, small thing, you would think nobody who looks at it objectively and reasonably could disagree.

Then we have the President at a press conference indicating we are slowing things down. Gracious, what will he not say if he can say something like that? Is there no argument that he will not make no matter how unjustified it might be? We have had almost 70 filibusters in a little over a year since the Republicans have taken over. I cannot remember ever having anything like that for Republicans when we were in the minority.

Now, I will say this: Senator MITCHELL had this common habit of coming out here and filing a bill and then filing cloture and accusing us of filibuster when nobody on our side intended to filibuster anyway. In almost every case where there was a reasonable bill, the bill passed or at least was debated.

Here we have had a slowdown on almost everything, and for the last number of days because the other side wanted the minimum wage. Senator DOLE walks out here and reasonably says, "We will give it to you and let you have a vote up or down on your bill, on your minimum wage, but we want these two other things that are reasonable—repeal the tax gas in the best interests of our citizens, and we certainly, certainly, want to allow employees to meet with their management leaders in order to work on the workplace concerns of businesses all over America. Employees have every right to talk to their employers and express their concerns. I think these are reasonable requests, and I think the majority leader is being very reasonable.

Frankly, I do not understand why we have to continue to put up with the stonewalling that we have on the other side. Now, I cannot remember referring to stonewalling in several years, and I have not seen the word "stonewalling" used by the media during the last 2 years, hardly at all. I do not recall a time. I am sure there have to be a few times, but I do not recall. It was a daily drumbeat when the Democrats were in control and the Republicans were fighting for principles they believed in.

Here is Senator DOLE willing to give the other side an opportunity on the principles that they want to fight for, give them a chance to vote up or down, and all he asks is we have a chance to vote up or down on some of the principles we want to fight for and let the chips fall where they may. That is the right way to do it in this particular case. It may be the right way to do it in many cases.

Mr. President, it bothers me that underlying this whole thing, knowing that Senator DOLE, our majority leader, is making an effort to try to bring people together, to try to get the matters moving ahead, to do things that give both sides shots at their particular bills, that underlying this whole thing is a deliberate attempt to try to deny Billy Dale and his colleagues, former White House staff, who were just plain treated miserably, unfortunately, dishonestly, by people who got their marching orders from, according to those who testified, the highest levels of the White House, from getting just compensation for the attorney's fees they were unduly charged because of the mistreatment that they suffered at the hands of the White House.

It is a bill that I think would pass the U.S. Senate 100-zip. It is being held up for no good reason at all. Now, the ostensible reason was that the Democrats did not have a chance to get a vote on the minimum wage they wanted to amend to the bill. Now Senator DOLE has provided them with that opportunity. Why do they not seize that and let Billy Dale get compensated?

Mrs. BOXER. Will the Senator yield?

Mr. HATCH. Sure.

Mrs. BOXER. I wanted to know the Senator's feeling on this. Is it the Senator's view that the taxpayers ought to pick up the bills of any individual who is indicted by a grand jury, Federal grand jury, and then after indicted, is proved innocent, is not proven guilty, does he think it would be appropriate for the taxpayer to do what he wants to do in this particular case for all of those who were indicted by a Federal grand jury?

Mr. HATCH. Of course not. The fact of the matter is this is a case that everybody agrees is an egregious example of excessive use of power, and greedy power at that, of the White House, and this is a case where the President himself said we should reimburse them with legal fees.

Mrs. BOXER. The reason I ask the question, I want to make the point that when we set precedence around here——

Mr. HATCH. I ask, Who has the floor?

Let me say to my distinguished friend and colleague, let me finish making my explanation, and then I will be glad to yield for another question.

The fact of the matter is we have an injustice here, a gross injustice, which the Democrats and the Republicans admit is a gross injustice, caused by White House personnel and outside people who were greedy. The President wants this to be done and says he will sign the bill. It is not comparable to everybody who is indicted.

Second, I said yesterday that if people are indicted who are unjustly treated like this because of the same circumstances, I would be the first to come to the floor and try to help them. But not everyone who is indicted fits that category. In fact, very few do. I do

not know of many White Houses that have shabbily treated former White House staff like this one has.

Now, when we find something similar to that, I am happy to fight for it, regardless of their politics or regardless of who they are, regardless of whether I like them or do not. I am willing to go beyond that. I would like to right all injustices and wrongs, but the mere fact that somebody is indicted does not say we should spend taxpayer dollars to help them. We have to look at them as individual cases. As chairman of the Judiciary Committee, I can say that this is what we have done in the past, what we will do in the future. As I view my job as chairman, it is to right wrongs and to solve injustices.

Now, we have the distinguished Senator from Arkansas here yesterday saying we should reimburse all of the people who have appeared before the Whitewater committee. Well, we are not giving Billy Dale reimbursement for attorney's fees in appearing before Congress. Frankly, I do not think you do that until you find out what is the end result of Whitewater, and then maybe we can look at it and see if there are some injustices. I think you will be hard pressed to say there is some injustice that comes even close to what has happened to Billy Dale and his companions. And if we put it to a test and have a vote on it, I think you would find that 100 percent of the people here will vote for it. I think that will be the test.

Mrs. BOXER. If the Senator will yield for a final question and observation, the reason I raise the question is, I think it is important when we do take action around here, that we let the taxpayers know what they are paying for. Actually, when this first came up, I say to my friend, it did not come into my mind until it was raised by another Senator, who said that there are many people who are indicted by a Federal grand jury and then the guilt is not proven.

We have to be careful what we are doing here. I think the fact that my friend responded in the way he did, that he is open to looking at this in a larger context, is important because I think whatever we do here will have ramifications. That was the purpose of my question, and I thank my friend for answering.

Mr. HATCH. I thank my colleague. She makes the very good point that we should not just be an open pocket for people who get indicted.

In this particular case, I think almost everybody admits we have to right this wrong. It is the appropriate thing to do. There may be others that we will have to treat similarly. I will be at the forefront in trying to do so.

With that, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. MURKOWSKI. Mr. President, let me recognize and thank my friend, Senator HARKIN, who was kind enough to allow me to proceed out of order to accommodate my schedule. I ask unanimous consent that he may be recognized next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE STORAGE

Mr. MURKOWSKI. Mr. President, very soon, we must make an important decision which will lead us to a safer future for all Americans. Mr. President, today we have highly radioactive nuclear waste and used nuclear fuel that is accumulating at over 80 sites in 41 States, including waste stored at DOE weapon facilities.

Here is a chart showing the locations of used nuclear fuel and radioactive waste destined for geologic disposal. Each Member can see where used nuclear fuel is stored in his or her own State. Out at Pearl Harbor, we have naval reactor fuel. In Illinois and New Jersey, for example, we have commercial reactors. In many States, particularly on the east and west coasts, we have shut down reactors with spent fuel on site. We have non-Department of Energy research reactors, as indicated by the green, in various States. We have DOE-owned spent fuel and high-level radioactive waste scattered in across the country.

The purpose of this chart is to show each Member that used fuel is stored in populated areas. It is near neighborhoods, it is near schools, it is on the shores of our lakes and rivers, and in the backyards of our constituents young and old all across our land.

Now, as you can see, this nuclear fuel is being stored in highly populated areas, near where most Americans live. It may be in your town, my town, your neighborhood, my neighborhood. Unfortunately, used fuel is being stored in pools that were not designed for long-term storage. Mr. President, some of this fuel is already over 30 years old. With each year that goes by, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes.

It is irresponsible to let this situation continue. It is unsafe to let this dangerous radioactive material continue to accumulate at more than 80 sites all across America. It is unwise to block the safe storage of this used fuel in a remote area, away from high populations. This is a national problem that requires a coordinated national solution.

Senate bill 1271 solves this problem by safely moving this used fuel away from these areas to a safe, monitored facility in the remote Nevada desert. This is a facility designed to safely store the fuel. It is the very best that nuclear experts can build—certified safe by the Nuclear Regulatory Commission.

Senate bill 1271 will end the practice of storing used fuel on a long-term basis in pools such as Illinois, Ohio, Minnesota, California, New York, New Jersey, and 35 other States across the country. And Senate bill 1271, Mr. President—make no mistake about it—will solve an environmental problem. That is why I was so dismayed to receive the statement of administration policy, dated April 23, 1996, which threatened to veto Senate bill 1271 "because it designates an interim storage facility at a specific site."

Mr. President, although the statement claims, "The administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner," such words ring hollow in the context of a threat to veto any legislation that does anything but perpetuate the status quo. That is just what a veto of Senate bill 1271 would do.

I hope that it is not true, but I have to ask if the President is playing politics with this issue. If so, its a political calculation that I do not understand. Perhaps the President is simply getting poor advice.

Are President Clinton and Vice President GORE really telling the voters in Illinois, New Jersey, and all of the other States on this map, that nuclear waste is better stored in their States than out there in the Nevada desert? I challenge Vice President GORE, who feels strongly about the environment—much to his credit—to go to the State of Minnesota, to go to New Jersey, to go to Wisconsin, and tell those voters that they must continue to store nuclear waste in their State.

The administration's approach on this matter is simply business as usual. The administration's strategy is to avoid making a decision. Mr. President, that is no strategy at all. But the approach of Senate bill 1271 is to get the job done, to do what is right for the entire country.

For those who are not familiar with the program, let me describe the status quo. We have struggled in this country with the nuclear waste issue for almost 15 years already, and we have collected $11 billion from the ratepayers. But the Washington establishment has not delivered on its promise to take and safely dispose of our Nation's nuclear waste by 1998, only 2 years from now. Hard-working Americans have paid for this as part of their monthly electric bill, and they are entitled to have the Government meet its obligation to take the used nuclear fuel away. Those people that have paid their electric bills have not gotten results. The program is broken; it has no future unless it is fixed. We can end this stalemate.

We can make the right decisions. The job of fixing this program is ours. The time for fixing the problem is now.

During the debate that will unfold in future days, we will have my good friends, the Senators from Nevada, opposing the bill with all the arguments they can muster, and that is understandable. They are merely doing what Nevadans have asked them to do. Nobody wants nuclear waste in their State. But it simply has to go somewhere.

The Senators from Nevada, both friends of mine, have talked to me about this issue, and I understand that they are doing what they feel they must do to satisfy Nevadans. But as U.S. Senators, Mr. President, we must sometimes take a national perspective. We must do what is best for the country as a whole.

To keep this waste out of Nevada, the Senators from Nevada will use terms like "mobile Chernobyl" to frighten Americans about the safety of moving this used fuel to the Nevada desert where it belongs. They will not tell you that we have already move commercial and naval nuclear fuel today. The commercial industry has shipped over 2,500 shipments of used nuclear fuel over the last 30 years, Mr. President. They will not tell you that an even larger amount of used fuel is transported worldwide. Since 1968, the French alone have safely moved about the same amount of spent fuel as we have accumulated at our nuclear power plants today. They will not tell you that our Nation's best scientists and our best engineers have designed special casks that are safety-certified by the Nuclear Safety Regulatory Commission to transport the used fuel. They will not tell you about the rigorous testing that has been done by the Sandia National Laboratory and others to ensure that the casks will safely contain used fuel in the most severe accidents imaginable.

There is proof that these safety measures work. Out of the over 2,500 shipments of used fuel that have taken place in the United States over the last 30 years, there have been seven traffic accidents involving spent nuclear fuel shipments. But when the accidents have happened, the casks have never failed to safely contain the used fuel. Mr. President, there has never been an injury caused by a cask, there has never been a fatality, and there has never been damage to the environment.

Can the same be said of gasoline trucks? Of course not.

Still we can expect that our friends from Nevada will try to convince people that transportation will not be safe. But the safety record of nuclear fuel transport, both here and in Europe, speaks for itself.

This issue provides a clear and simple choice. We can choose to have one remote, safe and secure nuclear waste storage facility at the Nevada test site, the area in the Nevada desert used for nuclear weapons testing for some 50 years. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation.

Mr. President, it is not morally right to perpetuate the status quo on this matter. To do so would be to shirk our responsibility to protect the environment and the future of our children and our grandchildren. This Nation needs to confront its nuclear waste problem now. The time is now. Nevada is the place. I urge my colleagues to support the passage of Senate bill 1271.

Again, I thank my friend, Senator HARKIN, for allowing me the opportunity to move ahead of him on the Senate schedule.

Mr. President, I see my colleague has stepped out. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, thank you for recognizing me.

THE TEAM ACT

Mr. ASHCROFT. Mr. President, I rise to make some comments on the TEAM Act, which is one of the matters that we have been discussing in the U.S. Senate. The word "team," of course, is a favorable word in the mentality of Americans because we are accustomed to teams. It is an Olympic year when we want to support our team, and we want to do well in the competition between the nations. So "team" has favorable connotations. I think all of us would want to be in favor of an act called the TEAM Act. But it is far more important that we understand the act itself in that we just have the connotations of the word "team."

As a matter of fact, the need to be operating as a team in the United States is a mutually agreed upon concept. We need to operate as a team because, indeed, we are in competition and the competition is far greater than the competition of the Olympics. We talk about the competition of the Olympics, "going for the gold." It is an award, and it is an honor.

But to be honest with you, the competition between nations is more than just a competition for an award or for an honor. It is the competition between nations. The need for productivity which will allow America to succeed and to continue to be at the top is a competition for existence. It is the competition for the survival of and for the success of our society in the next century. Are we going to prepare for the next century? Are we going to have a framework for work and productivity which allows us to succeed?

You have nations approaching the competitive arena of the workplace, nations like China. You have the Pacific rim all the way from Korea and Japan down through Singapore and Indonesia, hundreds of millions of individuals whose educational levels have skyrocketed, who are poised with the capacity to challenge us for our ability to meet the needs of the world.

We as Americans want to be able to meet the needs of the world. When we meet the needs, we have the jobs. When we do not meet the needs, someone else has the jobs. When we have made the commitment in terms of our own development and our own capacity, we will be the people who are the beneficiaries. If we restrain ourselves, if we hamstring ourselves, if we decide we do not want to do our very best, we will yield the gold, not just the gold medal of the Olympics but the prize of enterprise to other countries.

We would not think of sending our individuals to the Olympics if we did not allow them to train to be their very best. We would not think of taking 9 out of 10 members of the Olympic team and keeping them from being able to discuss ways to improve their performance with their coaches. It would be unthinkable.

Why would a company, or a country, want to restrain its work force, or want to restrain its competitors from being at their very best? Yet, that is the strange argument that we hear from those who oppose the TEAM Act.

Let us just stop for a moment to consider what the TEAM Act authorizes. The TEAM Act authorizes employers to confer with and discuss with employees ways in which to do a number of things: One, to improve productivity. If they think there is a more efficient way to do it, if there is a better way to do it, if there is a better way to build the project, if a mousetrap can be improved, the employee is most likely to know about it. After all, if you work on these things 8 hours a day, 5 days a week, and 50 weeks a year, you are probably likely to have some ideas and very good ideas.

Professor Demming in the 1930's, I think, originally wrote about that. We did not take that to heart until the Japanese demonstrated it with their high-quality products and their competition in automobiles and electronics, which finally got our attention. We decided to say that we want to be able to tap the energy that exists when workers and managers talk together to figure out better ways to do

things just like when coaches and players talk together to discuss ways of improving performance.

So in the United States there are about 30,000 companies now that have institutionalized this practice of saying to workers, We want to get together with you; we want to hear from you about ways that we can improve our performance so that we can have the jobs of the next century. We want you to be partners with us so that we can get the job done efficiently and effectively so that, in the competition of the next century, America continues to be the survivor; that America provides the much-needed goods and services around this world that leaves America at the top of the heap.

Good plan. It is working. You have seen it work. You have seen it work in automotives and a variety of other settings. In industry, we have begun to witness a recovery. In automotives, our quality assurance has gone higher and higher until we compete now very effectively with the nondomestic producers in large measure because of what the workers can bring to the equation, their contribution to quality, their contribution to efficiency, their contribution to increased safety, and their contribution in part because of their realization that when they are full-fledged partners and they are real contributors to the process, they feel a lot better about themselves. I like to think that I am respected for what I can be and ought to be.

The ability to have these teams is a way of respecting and understanding the great value that American workers bring to the equation. It is the working population of America that distinguishes this country from countries around the globe. Everything was working pretty well in that direction until, just in this decade, the National Labor Relations Board ruled that it is illegal for managers to confer with employees about safety and about a variety of other things.

These rulings are so stunning that I think I have to tell you the names of the cases and all to let you know what the National Labor Relations Board has forbidden.

In the case of Sertafilm and Atlas Micro Filming, the NLRB ruled that it was illegal to discuss extension of employees' lunch breaks by 15 minutes. Employers could not talk about that with employees.

In the case of Weston versus Brooker & Co., the length of the workday could not be discussed—wrong for employers to discuss this with a view toward accommodating the needs and demands of workers. Now, you and I know, with the number of people working in our families and our need to accommodate our responsibilities as parents as well as our responsibilities as workers, we need to be able to discuss things like working arrangements with our employers. That is against the law according to the Weston versus Brooker NLRB case, which was decided just a few years ago. A decrease in rest breaks from 15 minutes to 10 minutes, the U.S. Postal Service could not do that, according to the NLRB. Paid holidays were off limits, according to the Singer Manufacturing case. Extension of store hours during the wheat harvest season, Dillon Stores, 1995, that is off limits. Employers could not confer with their employees about things like this.

We need to be able to tap the genius, the innovation, the problem-solving capacity of American workers. We have a law against it. Jimmy Richards Co., which is a 1974 case, discussing paid vacations was illegal.

Here are some more. Flexible work schedules. That is interesting to me. The NLRB has said that it is illegal for the employer to ask employees what they would like to have and to consider, get into a dialog with the employees about what they would like to have in terms of flexible work schedules. We need for people to have flexible work schedules.

As a matter of fact, I have introduced a bill to give to the working population in the private sector the same kind of break that the Federal Government has had for flexible work schedules since 1978. I regret to tell you that the administration opposes it. I am sorry about that because the President himself keeps talking about flexible work schedules.

As a matter of fact, USA Today for Monday of this week talks about President Clinton, and he is going to hold a convocation about corporate citizenship with dozens of CEO's. According to the newspaper:

> President Clinton has outlined five challenges that he says contribute to corporate responsibility. He singles out companies for praise saying that they should establish family-friendly policies.

We want to have the TEAM Act, which will allow employers to talk to their employees about flexible work schedules. You would think, if you read the newspaper, that surely since the President is calling upon the corporate community to establish family-friendly policies—and he is right in calling on them to do so—he would support the ability of corporations to talk with their employees about flexible work schedules. But, no, it is against the law to do so. We want to change the law so that we can operate as a team, so we can talk to each other about the objectives and the working conditions and the safety conditions and the like. The President and his administration threaten to veto the concept.

I began this inquiry for myself about almost a year ago today. Frankly, this is May 8, the birthday of a notable Missourian. Harry Truman was born on May 8. He sat at one of these desks in the Senate. But on May 10 of last year, I wrote to the Secretary of Labor, Robert Reich, and I asked him about the TEAM Act. I quoted to him his demands upon the American corporation that we would cooperate for flexible work schedules and that we would confer with each other and that we would act as teams. I asked him to support the TEAM Act because I am a cosponsor of the TEAM Act, but, more than that, I asked him to support the TEAM Act because it will help us prepare for the next century. We want the jobs to be here for our children. We do not want the jobs to be overseas for their children. We want to preserve the advantages that our forefathers gave us when they worked hard and sacrificed. The productivity, the competitiveness, the capacity of American workers should not be frittered away because we do not allow the team to confer with the coaches.

We are 363 days away from the time I sent this letter, and I have yet to receive a response. I suspect it is very difficult to respond to this letter because their position is that they want to veto the TEAM Act. They oppose the TEAM Act. People on the other side of the aisle have opposed the TEAM Act consistently, and yet all their speeches are talking about teamwork.

I was just very pleased with the President's references to teamwork in his State of the Union Message. He called upon the citizens of this great country to work together. He called upon the Congress to call for teamwork, saying that we can only do things together; we cannot do them separately. But the TEAM Act still seems to be beyond the teamwork he is calling for.

Where is it legal in the United States for people, employers to confer with employees? Where can that happen? Well, it can happen when there is a union present. But it is illegal to do it if there is not a union there. Really, the fact is that only 11 percent of America's workers outside of Government are in unions. So for 9 out of 10 workers in America we are tying their hands. We are saying you cannot have the benefits of these kinds of discussion groups. You cannot have the improved potentials that come. You cannot have the productivity. You cannot have the chance for success that you could otherwise have.

I think, if it is appropriate and good to have this kind of discussion in union facilities, and it is—I mean our automotive people have made great strides in improving productivity and improving quality and improving safety and improving on-time deliveries; they have done it all, where it is allowed—I do not see why we do not allow this in other areas as well.

So I believe we ought to allow this to extend to the rest of the community.

Nine out of ten workers should not be forbidden. There are those who say the TEAM Act will permit an employer to have sham unions. Not so. No rule about sham unions is changed at all. I mean, if a person wants to petition to have a union election, the same rights inure, the same rights to vote in favor of a union inure to workers whether the TEAM Act is in place or not. The TEAM Act would merely authorize the coach to talk with the players, to decide things that would improve productivity.

There is an interesting case in my State. The company is named the EFCO company. They employed about 100 people or so when I became Governor 10 years ago—12 years, I guess. Time flies. They decided they wanted to be expert. They wanted to be the best in their field. They knew they could not do that just from a management perspective, so they had to call upon the team of employees. They invited them in. One of the first things they wanted to address was on-time deliveries. They had not been making on-time deliveries very well, 70-some percent in on-time deliveries. And they wanted to boost that. They moved from 70-some percent in on-time deliveries to well over 90 percent in on-time deliveries by tapping the ingenuity, creativity, understanding, and perspective of people on the job floor.

What did that do to the job? Did that hurt the working people of Missouri? Not really. Because that company went from 100-plus to 1,000-plus people in manufacturing, and their architectural glass now graces skyscrapers not only across America but around the world. It came as a result of the increased capacity of workers when they conferred with each other in the context of talking with the coach, with management. If we want to go for the gold, I think we have to be able to do that.

The folks on the other side of the aisle said there are 30,000 employers who are doing it now, it must be legal. It is hard to say it is legal when the NLRB is out filing charges and saying it is illegal and chilling this operation. Frankly, in my judgment, I think it is important to note if people on the other side of the aisle say it must be legal, and there are 30,000 companies that are doing it now, what is the big hubbub? Why filibuster the potential? Why oppose it? Why say it is a draconian measure, that it is going to ruin the country? You cannot have it both ways. If there are 30,000 people that have them and you do not think it is a problem, why say that this is the end of our ability to be competitive?

I believe people want to be able to confer with the coach. People want to be able to confer with each other. People want to be able to improve the working conditions. I was just stunned in reading more of these things that were off limits for discussion. It was off limits to talk about bonuses to be given to people as compensation for their good work, off limits to talk about merit wage increases, off limits to talk about free coffee, off limits to talk about safety issues. I was stunned.

Mr. HARKIN. Will the Senator yield for a question?

Mr. ASHCROFT. Sure.

Mr. HARKIN. I was trying to pay attention to the Senator. Will the Senator repeat again how many people there are working in the United States that have these kind of arrangements? I thought I heard 30,000. Will the Senator please clarify that for me so I have an understanding of that figure? Was it 30,000 different businesses? Or 30,000 people? I am sorry, I just did not hear it and I apologize.

Mr. ASHCROFT. There are 30,000 employers, I believe, that have sought to use this kind of collaboration.

Mr. HARKIN. Was that 30,000 that use this?

Mr. ASHCROFT. That have sought to do this, yes, and some are not any longer doing it. Obviously, when the NLRB began to prosecute this as a violation of the law, there are those who have chilled their operation. There are some under an order to quit. They have been ordered to stop conferring about things.

One of the things they were ordered to stop conferring about was safety. It stunned me, the Dillon case said it was inappropriate to discuss safety labeling of electrical breakers. I would certainly hope if I were employed in a plant you could confer with management about the appropriate labeling of electrical breakers.

But tornado warning procedures—I know there is going to be discussion about tornado procedures. I mean, if the tornado starts to hit the plant, there will be discussion, regardless of whether the NLRB says it is legal or not. But I would hope it is not illegal to do so in advance. The absurdity of saying it is illegal for employers to discuss with employees evacuation procedures in the event of a tornado points out the fact that this law, which was passed in the mid-1930's, is so out-of-step with America of the year 2000.

It is our job to prepare for the future. We ought to be saying we want more discussion between employees and employers and I am pleased that the President is saying that. He is calling this conference to say he wants more discussion. But to say you only want more discussion in the context of unionized plants, which represent 11 percent of the working people of this country, and you will not allow it in terms of the other 89 percent or 88 percent, that boggles the mind. That challenges any credible or reasonable approach to the thing.

If, indeed, we want to be competitive and if, indeed, we want people to have job satisfaction and we want them to have job security, we will build the strongest job base possible and we will not say to all those people who are not members of unions: You are not intelligent enough, strong enough or worth enough to be able to confer with your employers, and you will not have the ability to tell whether you are in a union or not.

I have had the wonderful privilege of going home to work. It is one of the things I do as a U.S. Senator. I go home, work on production lines. I have worked next to people filling feed sacks. I have worked next to people building windows and window components for new construction. I worked in a wide variety of things. I do not care what job I have done, whether it has been assembly or manufacturing or if has even been in the service industry—one time I helped prepare tax returns—everyone that I have ever talked to was plenty intelligent enough to know how to make improvements and could make suggestions. And they all knew whether or not they were in a union and would know the difference between a sham union and a real union. And they would all know how to call the NLRB if there was an unfair labor practice and make that kind of complaint.

For the resistance to mount to the authorization for American workers to talk with their employers about safety conditions, about improving productivity, about innovation, about improving marketability, even about sales practices and, sure, about safety—things like leaving the building in the event of a tornado? Here is a case which said for the employer to talk with the employees about rules relating to employees that got in fights was illegal. I would think it would be important, to confer with our workers on things like that.

The purpose of committees—they are designed to improve the security and productivity of American jobs and we should enact the TEAM Act. Let me just give a few words from the language of an administrative law judge who ruled on one of these cases. I quote the administrative law judge's opinion from the EFCO opinion. I am quoting now.

The committees "were established by the company, in furtherance of Chris Fuldner's [that's the CEO's] vision for a more productive, more profitable and more satisfying place for employees to work, [by improving] employment policies, employee benefits, employee safety; and employee suggestions."

That is what these things were created for, "To make a more productive, more profitable, and more satisfying place for employees to work, [by improving] employment policies, employee benefits, employee safety; and employee suggestions."

The opinion went on to say, "In Fuldner's view, management should encourage employees to feel good about

themselves and their jobs, and management should try to keep employees happy with their benefits, and to appreciate these benefits."

That was the goal. The administrative law judge confessed that these were all the positive benefits. But then said that the law requires that these be stricken as inappropriate because the company not only talked about these benefits but actually took them to heart, provided things like places for the groups to meet, and pencils and papers upon which they could write.

We started out talking about the Olympics. We would not want to send our team to the Olympics without a chance to win. We do not want American employees to compete in the world marketplace without the ability to win. You would not think of sending 9 out of 10 athletes to the Olympics without allowing them to talk with their coaches and each other about ways to improve their performance, and yet, we have a rule in American industry that to confer with workers, 9 out of 10 of them—there are 11-something percent that are in unions; they are allowed to make these discussions—for the ones not in unions, it is against the law.

I do not think we can afford to look to the future and say to 88 or 89 percent of our work force, "You can't take advantage of your creativity, your innovation, your wisdom, and share it with your employer and improve productivity and performance in order to be on a winning team."

Because we cannot afford to go into the competitive marketplace with our hands tied behind our back, we should enact the TEAM Act, which provides specific authority, not for anything great, not for anything outlandish, but basically for something the President says he wants: cooperation, teamwork—he asked for it in his State of the Union Message—between employees and employers.

I believe, if we provide the American people, through the right legal framework, the opportunity to cooperate and work as teams, we will come home with the gold. We have shown it over and over again; even when we slip behind, if you let the American people put their shoulder to the wheel and their nose to the grindstone, we cannot be beaten. But if you hamstring us for special interests rather than turn us loose to win the game, we will have a hard time competing.

We must enact the TEAM Act in behalf of the workers of today and the children of tomorrow for the jobs we hold, not only for us, but we hold them in trust for those who will follow us.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). Under the previous unanimous consent agreement, the Senator from Iowa is recognized.

Mr. HARKIN. I thank the President.

Mr. President, I was listening to the statements by my friend from Missouri, with whom I serve on the committee of jurisdiction dealing with this so-called TEAM Act, and I will use that phrase, "so-called TEAM Act."

Listening to my friend from Missouri and looking at the title of this bill, the TEAM Act, which stands for, if I am not mistaken, "teamwork for employees and management," I cannot help but be reminded of that wonderful phrase from "Alice in Wonderland, Through the Looking Glass," where Humpty-Dumpty is talking to Alice. Let me paraphrase: "When I use a word it means just what I mean it to mean."

And Alice says, "Well that's not fair. It doesn't work that way."

And Humpty-Dumpty says: "The real question is, who's going to be the boss?"

That is really what this is all about. Who is going to be the boss? Are we, in fact, going to have a structure that allows for real cooperation?

I will say to my friend from Missouri that real cooperation, productive cooperation, can only occur when the parties who are seeking to cooperate do so on a level playing field. To have one side or the other impose a structure, to impose rules, to impose what the framework is is not going to lead to productive cooperation. What my friend from Missouri is advocating would be like—and under the TEAM Act, I do not say my friend from Missouri—but under the TEAM Act, so-called TEAM Act, it would be like if Senator DOLE were to pick the representatives of the Democratic Party to represent the Democratic Party on the floor of the Senate.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. HARKIN. I will in just a second. I just want to finish my thought on that. So, again, we would not want that to happen. Maybe Senator DOLE would like that to happen now that he is majority leader, or perhaps if the tables were turned and the Democrats were in charge, maybe the Democratic leader would like to pick who represents the Republicans.

I think the Senator sees what I am getting at. But it can only be done if you have that level playing field. I think we have that level field. There is nothing in section 8(a)(2) now that prohibits management and labor from getting together to discuss these items and to have working relationships. I see them all the time. It just comes about when management says, "We want to cooperate and here's the terms of our cooperation. As long as you agree, we can cooperate."

That is what we are trying to avoid. That is really what this so-called TEAM Act does.

I yield to my friend.

Mr. ASHCROFT. You have said you do not think progress can be made as long as the management has the prerogatives that we ask for in the TEAM Act. We are really asking for the prerogatives to confer. If there is nothing in the law against it, why is this so terrifying?

In the one case where they have tried to shut this down in Missouri, which is the most notable case in my State, it went from 100 employees to 1,000 employees. The workers have stormed my office and said, "We want this. The National Labor Relations Board is keeping us from doing this."

It seems to me you are saying it will not work in theory. But there are a thousand workers in Monett, MO, saying, "It sure works in practice, because we have 10 times the jobs we used to have, and we like it."

I met with 300 or 400 workers this morning who were here to lobby the Congress saying, "Let us keep doing what we are doing."

I understand you might say theoretically it cannot work. You said there cannot be any progress under the things we are asking for, and the things we are asking for, when it was allowed to operate that way—I saw one plant in my State that went from 100 workers to 1,000 workers. I call that progress.

Mr. HARKIN. I will say to my friend from Missouri, I can give examples in my own State and around the Nation of businesses, companies, where the owners and the managers deal forthrightly and with every sense of equality with the workers. Some of those plants are not organized, they are not organized labor. So they say, "We don't need organized labor. Look, we get along fine, the workers like it, we have great benefits, we have a good system set up for any kind of dispute resolutions." That is true. There are a lot of those around. But the fact is there are a lot more that maybe are not, and that is why we have labor law, that is why we have the National Labor Relations Act. That is why we have section 8(a)(2), to provide a framework whereby workers can select their own representatives and where they are on an equal footing with management.

I suppose the Senator disagrees with my philosophy on this. My philosophy is that capital and labor ought to be represented equally. I do not think capital ought to be above labor, nor do I think labor ought to be above capital, but I think the two ought to work together. I believe it is not in the best interest of our capitalistic system to place capital above labor, because that will destroy our productivity and destroy our labor force in this country.

I also think the opposite is not good either, trying to elevate labor over capital. So we have to try to keep a balance. That is what the National Labor Relations Act is about; that is what section 8(a)(2) is about.

I am sure the Senator can find examples of businesses where they treat the

workers fine; gosh, why do you need a labor union for all this? Yes, I can show you examples of that in my own State, too.

The Senator talks about the EFCO case in Monett, MO, but there is another side to that story. I listened to the Senator from Missouri talking about this example of a circuit breaker switch or tornado warning. I believe the Senator is a good lawyer, and it is like if you only read the prosecution side of a case, you say the person is guilty. If that is all you read is the prosecution side, you say the person is guilty. If you read the defense side, you say, "Hey, that person's innocent." To find out the truth of the facts, you have to read both sides. I do not know what the whole story is about the circuit breaker or the tornado warnings. I do not know all the facts. But I would like to know the whole story.

It is like EFCO. There is another side to that story. In fact, I will start to go through some of that now. But the fact is, that EFCO really started reacting only when the employees started to organize. There was the threat of that.

The Senator says, hundreds of employees came to him and said, "We like this, and we want to continue it." Yes, I can understand that, if they are afraid of losing their jobs because they did not have that kind of bargaining unit, but I thought I might just go through the sequence of events that led up to the administrative law judge's ruling on the EFCO.

I think that my friend from Missouri and others have mischaracterized this case and what the decision represents. My friend from Missouri and others use the EFCO decision as really an example of why we need this bill. Quite frankly, I think it is an example of why we really do not need this bill.

Let me go through some of the factors here. If the Senator from Missouri wants to try to correct me on this, he should feel free to do so. I am trying to get to the bottom of this and the facts. In April 1992—first of all, the administrative law judge's decision in EFCO ruled that four inplant committees were unlawfully dominated and assisted by EFCO, by the management. None of those committees demonstrated "shared management decisionmaking or co-determination of cooperation by the work force," but they all resembled classic forms of management-directed sham bargaining vehicles, or "employer representation plans, that were deliberately outlawed by the Wagner Act of section 8(a)(2)."

So what happened in this case? In April 1992, EFCO's president suddenly directed its plant facilitator to revive a defunct safety committee. The plant facilitator announced the formation of the committee on April 21, 1992, defining its role as setting and enforcing safety policies. He, the plant facilitator, selected the members of the committee from volunteers, and they shared the first meeting on June 4, 1992.

He was succeeded as the director of the committee by EFCO's safety director, who continued to set the agendas for the meetings. The committee never had or exercised any authority to enforce or discipline violations of safety policies—never.

In September 1992, EFCO's president announced the employee benefit committee to the employees on September 8, 1992, defining its function as soliciting ideas regarding employee benefits from the employees and making recommendations to the management committee, which was EFCO's core management group—and in which, I might add, no rank-and-file employees participated. This was all management directed.

EFCO's chief financial officer selected the 10 committee members again from volunteers, but those volunteers previously screened by the human resources manager, again, were part of management. Among the appointees was a supervisor and the president's confidential secretary. Imagine that. They were part of the team they selected to represent the employees.

At the initial meeting on October 1, 1992, EFCO's president designated the first issues to be considered and directed that other issues be solicited from the employees. The human resources manager, the CFO, and, later, the comptroller attended the committee meetings. The committee's chairman met with the management committee to discuss and clarify the committee's recommendations. The management committee determined whether or not to adopt the committee's recommendations.

Let me repeat that. The management's committee determined whether or not to adopt the committee's recommendation.

Mr. ASHCROFT. Would the Senator yield?

Mr. HARKIN. I would be glad to.

Mr. ASHCROFT. Is the Senator's position that the management should not make the final decision about procedures, that it is inappropriate to confer with workers unless you turn over the final decision to them? I mean, it seems to me that——

Mr. HARKIN. No, management always makes the ultimate decision. However, it is this Senator's position that when we are talking about teamwork, in these kinds of structures, there ought to be a level playing field so that the employees can pick their own representatives where there is not the heavy hand and the ever present authority of management there guiding, directing, and selecting, and then have that discussion proceed, have the committees, management, labor committees jointly reach their agreements, and then, yes, management can sign off on it. That was not the structure in this case.

Mr. ASHCROFT. So it is the Senator's position that management could only adopt a policy which had been previously forwarded to them by the workers? I mean, as I understand it, you allow workers, their contribution to be made, but you do not have to surrender the management of the corporation to do it. I do not think most workers want you to surrender, but they want input.

Mr. HARKIN. I would say to my friend, they want input that is genuine input from the employees, from employee organizations that are not structured by management—as I just pointed out, this was structured by management. The representatives were selected from volunteers by management, not the employees. Management selected them. I just pointed out that management selected the confidential secretary of the president.

Mr. ASHCROFT. Do you think the confidential secretary of the president should not have the right to participate in making contributions like other workers?

Mr. HARKIN. If they work on the management side. But let the workers decide who they want to represent them, not management. That is my point.

Mr. ASHCROFT. I believe there are differences. That is more of a side versus side rather than a team here. It is this Senator's understanding that we ought to operate as a team, not one side versus another. We ought to try to work together.

Mr. HARKIN. But you see, in order for a team to work, there must be open discourse, there must be a consideration, and there must be not just the semblance of, but the genuine foundation of cooperation and equal participation.

See, I think what my friend from Missouri still believes is that management ought to be able to tell workers what to do all the time just because they own the plant. They ought to be able to tell a worker exactly what to do, when to do it and everything else, and if the worker does not like it, out the door. I do not happen to believe that, you see. I am sorry we have a philosophical difference. I happen to believe that workers, that labor should take equal positions with capital. They both ought to be respected.

Mr. ASHCROFT. How do you break the deadlock in the case of a deadlock under your system, if they are equal positions and one says yes and one says no? Are you saying that if the workers say, "I don't want to do that," and the employer says, "We need to have that done," is it a deadlock for you, or who breaks the deadlock?

Mr. HARKIN. In all of the organizations that I have seen which are organized under 8(a)(2), where you have employer representatives and you have

management and where they met in that spirit of mutual respect, I can tell you I have not seen one case, nor do I know of one, where there has been that kind of a gridlock and deadlock.

I think there is an assumption by the Senator from Missouri that labor is always—or at least sometimes—always going to act in a way that is going to be detrimental to the management. Workers do not want to do that. They want the company to function correctly. What they want is their rights protected. They want their rights protected.

No one wants to return to slavery in this country where someone just tells a human being, "Look, you do as I say, or else, out the door." We have advanced beyond that. We do not want to go back to the old days where labor had no rights whatsoever.

Mr. ASHCROFT. I believe we have rights, and I think they ought to be protected, but I believe that when the employer says something needs to be done, it has to be that way. I would say this, and I thank the Senator, and I will not further interrupt your speech, but I would just ask——

Mr. HARKIN. We ought to have more discussions like this.

Mr. ASHCROFT. My whole point is, it is not my way or the highway. My whole point is, we need to allow managers to welcome and to capitalize on and to implement and to benefit from the special expertise, creativity, and input from people in the production pool. Then it is a very valuable thing. It is not that it is antagonistic. I do not think management can survive without it.

I do believe you are right, that there are very few times when it is against the interests of management to hear from labor. I think in the overwhelming number of cases really what I have sought to do is to provide a framework in which that is something that is legal and is appropriate and management is free to solicit the view of labor and to go and ask for it.

I thank the Senator for the time.

Mr. HARKIN. I thank the Senator. I think we ought to have more like this. I would be glad to discuss it even further because I think we start to get to the real differences here and the views of what we are trying to do here in this bill.

Again, I guess the Senator and I just have a gentlemen's disagreement on the role of labor and management in our society.

Again, I have seen so many times in our country where management is open, respectful, where they really encourage employees to get together, to organize and to bargain with them in good faith. That is the most productive unit you have in America.

It is the cases where an employer comes in and says, "Look, I know what is best. I will set up the structure. You can give me your advice if you want, but if I do not like it I will throw it out the door," and there is not the sense that workers really have a legitimate role to play in the decisions that affect their very jobs, that affect the future of that plant. When that happens, then I think productivity falls.

Again, I point out to my friend from Missouri, we have had section 882 all these years. We have labor-management councils. They operate in my State. Building trades are working, I know in my Quad Cities area, the Davenport area and in Des Moines, where building trades are working with contractors. We call these labor-management councils. They work wonders. It is done in a sense where you have a level playing field. I think what my friend from Missouri basically is saying, "Look, management in the end ought to control everything."

I am saying that in a team if you have this real teamwork, the employees have to know that they are equal partners in making the productivity force in America move forward. That is why, I repeat, I get back to the EFCO situation here, we hear about EFCO, but when you go through the whole history of EFCO you find this is a classic case of why section 882 is necessary.

I ended on September 1992 when the management committee determined whether or not to adopt the committee's recommendations. Now we go to December 1992, on December 28, EFCO's president created the employee suggestion screening committee. He did it by memorandum to the six employees he appointed to the committee. That is not bad. Listen to that: EFCO's president created the employee suggestion screening committee. He did it by memorandum to the six employees he appointed to the committee.

How much freedom and how much do you think that these six employees, handpicked by the president, is going to take a position contrary to the president's position? Not only that, the president defined the committee's purpose as reviewing and referring to management with recommendations, employee suggestions. EFCO issued a general announcement of the committee's formation and solicited suggestions from all employees on January 14, 1993. EFCO's senior vice president and its CFO were assigned to attend the meetings. Again, you have a meeting, you have the senior vice president, the chief financial officer sitting there, listening to everybody. Again, that heavy hand over everyone. The CFO set forth the agenda at the first committee meeting. Not a spirit of, "OK, representatives of labor, what would you like our agenda to be?" No, management saying, "Here is the agenda, here is what we are going to discuss."

The elected chairman of this committee—mind you, this is a committee of six employees handpicked by the president—the elected chairman of the committee was promoted to a management position in the summer and yet continued to chair the meetings. The committee had no authority to decide which suggestions would be adopted. None. They could pass them on, but they had no authority to decide. Again, back to my friend from Missouri, he said, yes; we should give management suggestions. We should let employees suggest things. If management does not want to do them, to heck with them.

Well, I tend to think if you will have this type of arrangement you should have employees and management together in a teamwork, and if they are equal, and if they have equal status, then if they make suggestions that ought to be adopted by that committee, representing both management and labor—I do not know what the exact effects are if they do not reach a agreement. I assume if they do not reach agreement it would not be adopted. If there is gridlock you do not adopt. If they agree, it ought to be adopted, not reviewed further, and adopted by management.

Finally, January 1993, January 14, 1993, EFCO announced that it was establishing an employer policy review committee, whose purpose was to gather comments and ideas from the employees regarding company policies, and to make policy recommendations to the management committee. The human resources manager—this is part of management—selected the committee members. Again, the management selected the committee members. The management appointed the cochairman. The manager also attended committee meetings. One of the members of the employee's group was a supervisor, and a cochairman was shortly promoted to a supervisory position.

EFCO's president attended the first meeting on February 9, 1993. Here is what he did. He laid out the ground rule. He dictated the first policy to be considered. He issued a deadline for the presentation of a recommendation to the management committee. It does not sound quite like equal representation of management and employees. It is sort of like the management saying, "OK, again, here is the policy to be considered, here are the ground rules, here is the deadline for you to submit suggestions to the management committee," and again, those suggestions might be accepted or they might not be accepted.

The appointed cochairman met with the management committee to discuss recommended policies and the management committee determined which recommendations would be adopted. Again, EFCO set up the elaborate sham structure, management laid out the ground rules, management picked many of the people to be on it, they dictated the policies and they said, OK,

if you come up with a suggestion or recommendation, it goes to the management committee, and that management committee decides what will be adopted.

Again, I guess we get back to my friend from Missouri. His philosophy is if you are management, your word is God and you don't need employee input. I am sorry, I disagree with that. I disagree with that because I think that labor and management ought to both be equally represented in these kinds of situations.

In short, EFCO unilaterally decided upon and formulated the program of employee committees. It created committees and determined their size, functions and procedures. It appointed their members and included supervisors among their membership. It set the scope of each committee's concerns, goals, and limitations. It established the committee's agendas. It directed the committees to solicit opinions, ideas, and suggestions from other employees. The committees met on company property, during working hours. High management officials attended these meetings. Committee members were paid for the time spent on committee work and EFCO provided any necessary materials or supplies.

Cumulatively, when you look at this, the committee dealt with EFCO as company-created and company-directed representatives on every conceivable area of employees' wages, hours and working conditions. The very existence of those committees was and is dependent upon EFCO's unfettered discretion. Moreover, EFCO endowed the committees with absolutely no actual power. The company reserved to itself the exclusive authority to decide which recommended suggestions, policies, safety rules, or employee benefits would be adopted. The committees were not even authorized to administrator or enforce those of the recommended policies or rules actually implemented by management.

Again, I think when you look at the whole case, when you do not just read the prosecution side, when you read both the prosecution side and you read the defense side as in any case, perhaps we get to the truth. The truth is that EFCO wanted to set up a structure whereby, yes, employees could give suggestions, only under the steady gaze and the heavy hand of management, where those representatives would be picked by management, where the structures and guidelines would be established by management, and where in the end, where any suggestion, any advice, would then go to a management committee to be finally acted upon, adopted or reject. Again, a clear example of why we need section 882.

Well, I guess it really boils down to, if you believe that workers are intelligent, if you believe that workers have the best interests of their country at heart, if you believe that workers have the best interests of their employer and their factories and their plants and places of work at heart, if you believe that, then you ought to permit workers to sit at the table with management. That is what section 8(a)(2) does; it permits workers to sit at the table.

This so-called TEAM Act says, "Well, you have been at the table all these years under section 8(a)(2)." You know, we have had a pretty good run of it since the Depression. We are the most productive nation on Earth today, as we have been for the last 50 years. Oh, we always hear about these other countries, but the fact is, American productivity, last year, was higher than any other country in the world—output per hours worked. Oh, yes, for the last 50 years we have been the most productive nation on Earth. We built the freest, strongest nation the world has ever seen. We have built great universities and colleges. We have the best medical research anywhere in the world. We have the freest society. We have the greatest opportunity for the greatest number of people. And guess what? We did it under the Wagner Act. We did it with section 8(a)(2), and we did it with labor sitting at the table.

Now we hear voices—my friend from Missouri among them—who say labor no longer needs to be at the table. Management is at the table; labor is sitting on a lower chair. They are down a little bit lower. They are sort of sitting on the floor. If the management would deign to give them some crumbs off the table, that is fine. If management does not, well, that is fine, also, because if the workers do not like it, they can get off the floor and walk out the door. Well, that is what has been happening, and that is what is behind this so-called TEAM Act. I do not ascribe any bad motives to anyone. My friend from Missouri is an honorable gentlemen. But I just believe that this policy is totally misdirected. I think it flies in the face of what we in America have done over the last 50 years and what we are still accomplishing in becoming the most productive nation on Earth.

Mr. President, there is a line from one of my favorite plays that goes something like this:

> Life is like cricket. We play by the rules, but the secret, which few people know, that keeps men of class far apart from the fools, is to make up the rules as you go.

Well, I suppose if you want to keep management up and labor down, you make up new rules as you go along. That is what this is. We are making up new rules—rules that would take away a legitimate right of labor to be heard and to sit at the table. No, I am sorry, Mr. President, this is not a team act. This is not a team act at all. This breaks down the team. This is a class act, making one class of management and owners at a higher level than the laborers.

So, Mr. President, this is not just a little piece of legislation. I think the majority leader referred to it as a "minor" piece of legislation, and no one should bother about it. It is not a minor piece of legislation. It is a dagger right at the heart of what has made this country so productive over the last 50 years. It is a dagger right at the heart of our workers in this country, and we should not let it pass this floor.

We ought to reaffirm, once again, our commitment to a level playing field and, as John L. Lewis once said, make sure labor has a seat at the table, not on the floor, where labor would partake of the same meal as management and not just get the crumbs from the table.

This bill would undo all that we have done in our society to give our working people a decent voice, to give them the recognition, which is due any human being, that their labor is worth something, that they themselves are human beings, and that labor is not just another unit of production to be written off and thrown out the back door; but that our working people are more than just numbers on a piece of paper, or machines on a shop floor, and that they deserve, and ought to have, by right and by law, all of the protections that the Wagner Act and section 8(a)(2) provides them.

This Senate and this Congress would do a disservice to our country were we to let this TEAM Act pass.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I am greatly disappointed that my Democratic colleagues are continuing to block repeal of the Clinton gas tax. When President Clinton and the Democratic Congress, without a single Republican vote, passed the biggest tax increase in our Nation's history in 1993, they said that their $268 billion tax increase was a tax increase on the wealthy. Well, now they have a chance to repeal a tax that hits the lower and middle income people the hardest, and they are refusing to do so.

Make no mistake, the gas tax, which was part of that massive tax increase, is a tax burden that is borne by virtually every American. Every mother who drives her children to school, every commuter, every family who drives to church, every senior who rides the bus to go shopping, every family planning a summer vacation gets hit by this tax.

Let us be clear. Democrats are denying tax relief to each of these Americans. Incredibly, some of my Democratic colleagues have called for even higher gas taxes. Maybe they were not listening when President Clinton said last fall that he thought he raised taxes too much. Despite this admission by President Clinton, our colleagues on the other side of the aisle are threatening to shut down the Senate because

they do not want to let this tax cut for working Americans come up for a vote.

The distinguished minority leader said yesterday that the Democrats would shut down the Senate over this tax cut. By shutting down the Senate, the Democrats are now blocking not only a tax cut for working Americans, but they are blocking the taxpayer bill of rights; they are blocking consideration of a constitutional amendment requiring a balanced budget; they are blocking the opportunity for commonsense health care reform; they are blocking reauthorization of Amtrak.

Mr. President, while I am disappointed by the words and actions of some of my colleagues on the other side of the aisle, I am not surprised. Let me explain.

This is a chart comparing the records on taxes of the 103d Congress, which was controlled by Democrats, to the tax record of this Republican-controlled Congress.

As this chart shows, the Democrats passed the largest tax increase in our Nation's history—$268 billion. This was without a single Republican vote. And, while they said at the time that the tax increase was for deficit reduction, a study released last week shows that 44 cents of every dollar of that tax increase has gone to more big Government spending. That is why Republicans continue to believe that the way to reduce the deficit is not to raise taxes, but instead to cut wasteful Government spending.

This chart also shows that the Clinton tax rate increase was retroactive—reaching back to the Bush administration. The tax record of the 103d Congress included a top tax rate increase to 39.6 percent which devastated small business, and is probably part of the reason why so many Americans feel that their wages have stagnated. When these small businesses, which are the biggest creators of jobs in this country, have to give more money to the Federal Government, they have less money for expansion, pay raises, and job creation.

The Democratic 103d Congress' tax record also included an increase in taxes on Social Security benefits up to 85 percent—an outrageous increase.

The 103d Congress also, of course, raised gas taxes by 30 percent.

So, the tax accomplishments of the 103d Democratic Congress included a hard hit at many Americans and they were not all rich.

But what a difference a Congress makes. This Republican Congress has a much different record on taxes. Instead of raising taxes, we have cut taxes. The 104th Congress has passed legislation that has been signed into law including: allowing working seniors to keep more of their Social Security benefits by increasing the earnings limit; tax relief for the thousands of service people in Bosnia; a reinstatement and subsequent increase of the self-employed health insurance deduction; and a measure to prohibit States from taxing the benefits of former residents who have retired and moved to other States. These tax changes benefit millions of Americans.

And, if President Clinton had signed the Balanced Budget Act of 1995, the tax burden on millions more working Americans would be lighter. Families, in particular, would have benefited from the Republican budget, which gave parents a $500 tax credit for each child. Our budget also reduced the capital gains rate, phased out the unfair marriage penalty, provided a deduction for student loan interest, and expanded tax-deductible individual retirement accounts.

The difference between the two records couldn't be more stark. The last Congress increased taxes by a record amount, while this Congress cut taxes.

Mr. President, it is my hope that this Congress can undo the economic damage that the last Congress has done. Repeal of the Clinton gas tax is a good place to begin.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1737 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, we have not made a lot of progress in the last several hours, and I am hopeful that at some point today we can reach an agreement.

The current situation would require a vote on three separate provisions of the same amendment to a bill that is now pending, the Travel Office reimbursement legislation. We have indicated that that is unacceptable to us.

Earlier today, at a press conference, the distinguished majority leader, when asked if he would agree to consideration of three separate bills, answered, "If we can get an agreement to vote on three separate bills, that's one thing. I've already given that agreement to have three separate bills."

As I understand it now, that may not be Senator DOLE's exact intent. But I must tell you that if it is, indeed, his position to accept consideration of three separate bills, then, indeed, we would be ready this afternoon to agree; we would allow a vote on the gas tax reduction and relevant amendments; a vote on the minimum wage and amendments that are relevant; and a vote on the TEAM Act with relevant amendments. That seems to me to be exactly what we have been proposing now for several days.

If we can do that, we could reach an agreement by 4:45 this afternoon. So I am very hopeful that we are getting closer together, that we can find a way to resolve this impasse. Three separate bills, as the majority leader suggested earlier today, would do that, would give us that opportunity, and I am hopeful that we can talk in good faith and find a way to determine the sequencing and ultimately come to some conclusion on this legislation.

Three separate bills with relevant amendments, perhaps with a reasonable time limit, is acceptable to us, and we will take it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEGAN'S LAW

Mr. DOLE. Mr. President, late last evening H.R. 2137 passed the House, I think, unanimously. It is Megan's law, plus some other additions to help protect our Nation's children from sexual predators. The vote was 418 to 0. Known as Megan's law, it strengthens the existing law to require all 50 States to notify communities of the presence of convicted sex offenders who might pose a danger to children.

In 1994 the crime bill was lobbied not to require States to take such steps. Since that time, 49 States have enacted sex offender registration laws, and 30 have adopted community notification provisions, but not all States have taken the necessary steps to require such notification. And this is a tragedy in the making.

It seems to me that we can prevent this from happening and we can take action now. I do not know any reason to hesitate. So I am going to ask consent when I finish that we bring it up and pass the bill.

But every parent in America knows the fear and the doubts he or she suffers worrying about the safety of their children. Parents understand that their children cannot know how truly evil some people are. They know that no matter how hard they try, they cannot be with their children every second of the day. A second is all it takes for tragedy to strike. We have an obligation to ensure that those who committed such crimes will not be able to do so again. This is a limited measure, but an absolutely necessary one.

Again, sort of following along the President's remarks at his press conference, it seems to me this would be an area where there would not be any objection. I know when this bill comes up it will be unanimous. We would like to let the American people know that we can respond immediately. The bill is here.

UNANIMOUS-CONSENT REQUEST—H.R. 2137

Mr. DOLE. Mr. President, I ask unanimous consent that H.R. 2137 be immediately considered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I associate myself with the distinguished majority leader's remarks in this regard. The bill is a good one. It probably will enjoy broad bipartisan support. We do have amendments that our colleagues on this side of the aisle would like to be able to offer. So given the fact that they need to have that right, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. I hope we are not holding up the bill over the minimum wage dispute.

Mr. FORD. Oh, come on.

Mr. DOLE. That is not an amendment that will be offered to Megan's law. We have had about enough of that.

Mr. DASCHLE. If the majority leader would yield, I will clarify, it is not our intention to offer the minimum wage on this particular bill.

Mr. DOLE. The Senator from Massachusetts made it clear he is going to offer it at every opportunity. So I thought I better make the Record clear.

MEASURE PLACED ON CALENDAR—H.R. 2137

Mr. DOLE. Mr. President, I ask unanimous consent that H.R. 2137 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Hopefully we can take up that bill tomorrow. I do not know of any reason—if there are amendments that are relevant, germane, or maybe there can be a separate bill. But I know that the family is very concerned about that. I had an opportunity to visit with Megan's parents. They feel very strongly about this. I do not believe there will be any objection. But there has been objection to its immediate consideration.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, as I understand, the Democrats have had a caucus, and they might now be willing to agree to the unanimous-consent request that I made earlier this morning that there be three votes; division I being the gas tax issue; division II being the TEAM Act issue; and division III being the Democratic proposal for the minimum wage; that each division be limited to 2 hours each, to be equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to division I, division II, and division III. Then I assume there would be a vote on final passage.

If I am correct in that, I would be happy to try to obtain that consent agreement now.

Mr. DASCHLE. Mr. President, reserving the right to object, I will offer a unanimous-consent agreement to do what I understand the majority leader proposed earlier—later than that particular offer; later on in the morning—that we have three separate bills, and have votes and amendments to those three separate bills. I offer that as a unanimous-consent agreement at this time with amendments.

Mr. DOLE. With amendments?

Mr. DASCHLE. We would offer three separate bills with amendments. We could agree to a time limit, but three separate bills with amendments. That is correct.

Mr. DOLE. I never agreed to anything like that. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Let me say that I did indicate—I do not negotiate with the press. As far as I know, they are not Members of the Senate. Some have more power than we have, but they are not voting.

I was asked that question, and I repeated the question. I might subscribe to that. But I went on to say, I made almost the identical offer today, but I never made any offer that would indicate we would have amendments to these separate bills. That is an entirely different process.

Plus, I am no rocket scientist, but it did occur to me that obviously the President could veto the TEAM Act and sign the other two. He said he would do that today. I would not buy into such an agreement.

I do think this is a very reasonable agreement that I have suggested. Since I have been asked to object to the Democratic leader's proposal, perhaps he would be kind enough to object——

Mr. DASCHLE. I object.

Mr. DOLE. I find it strange that our colleagues on the other side are filibustering minimum wage. We are prepared to have that vote right now. We will not even need 30 minutes of debate. We are prepared to have the vote on TEAM Act, prepared to have the vote on gas tax.

Again, the TEAM Act is just a very little piece of the pie or the puzzle. I hope we could find some way to reach an agreement. If there are amendments, I know the Senator from North Dakota—I have written him a letter, Senator DORGAN, if he has any way to tighten up the effort to make certain that the 4.3 cents will go to the consumer. I had a letter from Texaco, and we will have a response from ARCO. Somebody raised a question about ARCO in the press conference. I did not have the answer, but we are getting the answer from ARCO. I think we will have the assurances that some would need before they act on the gas tax repeal.

As I said at the press conference earlier, we do pay for it. This is really an effort—the President's spending is why we have to have it. He wanted to spend more money, so we had to raise the gas tax. We will not let the deficit grow any larger. We will make certain we offset any loss.

I hope that this is a reasonable agreement, and I would like to proceed with it. If not, I do not see any reason to stay in later this evening.

Mr. KENNEDY. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. DASCHLE. Go ahead.

Mr. KENNEDY. Mr. President, I wonder if the majority leader would yield for a brief question regarding matters that we discussed just a few moments ago.

Mr. DOLE. Certainly.

Mr. KENNEDY. As I understand from the press conference, a question was asked, just to follow up on what Senator DASCHLE has pointed out: "Why not have three up-or-down votes on three different bills, whether they are amendable or unamendable? Why not do it that way?"

Senator DOLE said, "Three separate bills, I might even subscribe to that. But they won't let it happen. They will filibuster the TEAM Act. If we can get an agreement to vote on three separate bills, that is one thing. I have already given that agreement, to have the three separate bills."

As I understood the——

Mr. DOLE. Three separate votes.

Mr. KENNEDY. The question included the words: "amendable or unamendable? Why not do it that way?"

"Three separate bills, I might even subscribe to that. But they won't let it happen."

As I understood it, that is what Senator DASCHLE had offered. I was wondering, since it appeared, at least from the transcript, that that was the position of the majority leader, why that would not be acceptable to do that here as the minority leader has suggested.

Mr. DOLE. As I have indicated, I said in that response, I might and I might not. And I will not. That will take care of that.

Again, nobody is trying to negotiate. Democrats like to negotiate, but I do not negotiate with press people unless there is one up there who works for the Democrats, but I do not think so, not directly.

We would be very happy to proceed on the basis we have outlined this morning. We think it is very reasonable. I think the President ought to accept it in the spirit he invoked in his 1:30 press conference. He did indicate he would sign—he mentioned something about workers' rights. That is what we are talking about, workers' rights.

I do not understand how we expect the majority to permit the minority to have their way and we not be entitled to have any say at all. We are prepared to repeal the gas tax, have that vote, have the TEAM Act vote, and have the minimum wage vote and then have a final vote. I think my colleagues on the other side might appreciate the fact we would probably have a fairly healthy vote on final passage, which I think would bode well for what might eventually happen to this legislation.

There is a lot of merit to keeping the three together. There may not be any merit on that side of the aisle, but there is merit on this side of the aisle.

Again, I tried to work with—certainly, always tried to work with—the Democratic leader. I am happy to meet with him at any time and see if there is some agreement we can reach.

Mr. DASCHLE. Mr. President, I will not belabor this. Let me just say that I think both sides have made their position very clear. The majority leader wants to combine the TEAM Act, the minimum wage, and the Travel Office bill all in one package, in addition, of course, to the gas tax reduction. In one package we would combine all of these things.

I must say I do not know that we will ever be able to resolve this until we can find a way to allow separate bills to be considered. The problem we have is, we cannot offer amendments. That is the essence of it. We cannot offer amendments to these. We may ultimately have a TEAM Act of our own. We may have a substitute of our own to the gas tax reduction proposal. We may have a lot of amendments that are very relevant to this bill that we are precluded from offering under this arrangement.

I have had a very productive and very good relationship with the leader over many months now. I am hopeful that we can find a way through this and see if we cannot resolve it. I do not see a way to resolve it until we can finalize some understanding about the opportunity that we must have to offer amendments to bills that we care deeply about.

I yield the floor.

Mr. DOLE. Mr. President, again, I think we all try to work things out around here. At least that has been my experience. I see my distinguished colleague from West Virginia, Senator BYRD, may not agree on what will be the final outcome, but we try to agree. If there is an effort or wish to offer substitutes, we might have a substitute to the minimum wage.

We are willing to divorce these three matters from the Travel Office bill and bring them up separately, or if there is another H.R. bill around here somewhere—there is another H.R. bill. We can accommodate that request. We can go ahead and separate, if that would help, and let the Billy Dale matter be passed.

I think the point is that the Senator from Massachusetts made it very clear he was going to amend every bill with the minimum wage, which, in effect, served notice on us that anything that we brought up would be blocked. We want to resolve this issue, get it behind us, so we can move on a number of legislative areas that we think are important, important to the people of America.

I am perfectly willing to try to work it out with the Democratic leader. We have never had a problem before. Sometimes these things are not easy. Sometimes they can be resolved. I make no offer to the Democratic leader.

Mr. DASCHLE. Mr. President, if I could just say one other thing that I meant to add, the distinguished majority leader this morning said that he took good notes from his predecessor, the majority leader in the 103d Congress, George Mitchell. I know he is a great note taker, and I do not deny that he probably, like all of us, learned from past experience.

However, we went back in the 103d Congress just to try to find an example or an instance when the majority filled the parliamentary tree, filled the tree in every way, to preclude the minority from having an opportunity to offer an amendment. We could not find 10, we could not find 5, we could not find 1 instance where the majority so dominated the political tree—it is a political tree in this case—the parliamentary tree so as not to allow the minority the opportunity to offer any amendments. It is not something the majority did in the past.

Even in the most troubling circumstances, the minority had an opportunity to offer an amendment. We had to offer second degrees, and we did. We had to come up with counter strategies, and we did. We never filled the tree and filed cloture and precluded the minority from even having the opportunity to offer an amendment. Having looked at the record from at least that perspective, I do not find an example that could be called a precedent for what is happening right now.

Mr. DOLE. Mr. President, I meant—and I talked about Senator Mitchell as my friend and the friend of everybody on this side and the other side, and he is doing quite well in the private area—that he would file cloture rather quickly.

But the point is, I can recall the stimulus package being held up. I think Senator Mitchell did a good job of preventing us from voting on capital gains for many years. I cannot remember, it has been so long. So I think he was quite effective. Maybe I have not been quite as effective and I had to fill the trees because I did not know the other ins-and-outs of the place. He did a good job, and I certainly have high respect for Senator Mitchell. I very much appreciate the fact that he was willing to pass on some of the ideas he had that I have been able to pick up.

But I would be very happy to visit with my friend, the Democratic leader. If it is a question of working out an agreement with amendments, I think we can do that. But when the Senator from Massachusetts makes it impossible to bring up any bill—and he says he is not going to do it on Megan's law, but he has everything else, with the exception of the bill he wanted passed, the health bill—then it makes it rather difficult to do the business of the Senate. So I do not believe that we are doing anything that cannot be resolved, regarding the efforts initiated on that side. I am perfectly willing to work it out, if we can, with the Senator from South Dakota, the Senator from Massachusetts, and everybody else. I know the Senator from Mississippi is willing to try and has tried. I think we have all been in good faith.

So if we can work it out, that is fine. We would be happy to meet this evening and see if we can resolve this and have not only these three issues behind us, but a number of others that should be dealt with, if we are to have a Memorial Day recess.

I will be happy to yield the floor.

Mr. KENNEDY. Mr. President, I wanted to inquire of the leader. Of course, on the minimum wage, a majority of the Members have actually voted for an increase in the minimum wage. So, in this instance, the minority is really the majority, and they have been denied the opportunity these many weeks and months from having an opportunity to be able to have a clean bill on the minimum wage. I think that the actions that were taken are taken out of frustration, on an issue that the American people are so overwhelmingly in support of, and that is, people that work hard ought to be able to have a livable wage, and we ought to be addressing that on the floor of the Senate.

So I just suggest to the leader that, actually, we are not a minority on that issue, we are a majority, and with good Republican support. I am just puzzled about why we are constantly characterized as a minority when we have

been able to demonstrate from votes here on the Senate floor that a majority wants to have an increase in the minimum wage. I do not see how that is so unreasonable.

Mr. DOLE. Mr. President, it would be my view that when that vote comes, there will be a substantial majority. The vote the Senator refers to is a cloture vote, and sometimes they are a bit deceptive, as I have learned.

Mr. KENNEDY. Is the Senator now stating to the American people that he will only schedule a vote up or down on the increase in the minimum wage if we get cloture? Is that the position of the majority leader on this issue?

Mr. DOLE. I did not even raise cloture. I thought that was the position of the Senator from Massachusetts.

Mr. KENNEDY. No, no. I do not believe that the majority leader does not understand what my position is on this.

Mr. DOLE. I think I do understand your position. I sometimes admire it—sometimes. But I think the point is that we need to resolve this, if we can. I would be happy to try to work with the Senator from Massachusetts, or the Democratic leader, or both, and see if we cannot work out some arrangement where they can offer amendments. But I do believe it is pretty difficult to explain to the majority—and I do not often refer to the minority. I think we are all Senators. It is pretty hard to explain to the majority on this side why we should permit the Senator from Massachusetts to do everything he wants, but we cannot do what we want. If the Senator can help me with that, maybe we can work it out.

Mr. KENNEDY. If the Senator will yield on that point. It is not what the Senator from Massachusetts wants, it is what 13 million Americans deserve.

Mr. DOLE. Oh. I will say the same about a lot of things President Clinton has vetoed, such as the child tax credit, welfare reform, balanced budget, all those things were vetoed. The Senator from Massachusetts did not vote for them. The child tax credit will help 50-some million children in 28 million homes.

So if we want to get into the numbers game here, we can extend the debate for some time. I think, since I have an appointment at 5, I will be happy to either recess until tomorrow morning, or if we want to continue debate, we can. I know the Senator from Georgia is here, and the Senator from Idaho wishes to be recognized.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

WELFARE REFORM

Mr. ROTH. Mr. President, last Saturday the White House political machine was running at full tilt trying to convince the American people that welfare reform is well underway when, in fact, President Clinton has vetoed welfare reform twice. Once again we find that the administration is using the old theory as to whether you can fool all of the people all of the time. This time, the administration is trying to use figures to confuse the public into believing that it is implementing a successful welfare reform strategy when, in fact, it has not.

Last Saturday, President Clinton told the American people that, All across America the welfare rolls are down, food stamps rolls are down, and teen pregnancies are down compared to 4 years ago. Unfortunately for the administration, the facts get in the way of the rhetoric.

According to the latest available data from the U.S. Department of Health and Human Services, the estimated average monthly number of AFDC recipients for 1995 was 13.6 million. The final figures for all of 1995 are not yet available, and there is a 9-month average from January to September 1995. By comparison, the monthly average for all of 1992 was 13.8 million recipients. This is a modest decline of 200,000 people, or 1.5 percent.

But the real story about the welfare rolls which this administration does not want the public to see is how the current welfare rolls compare to previous years and administrations. This first chart shows the number of people receiving AFDC benefits over time, and while the estimated 1995 AFDC caseload is 13.6 million people, the average monthly number of AFDC recipients between 1970 and 1995 was 11.3 million.

When you look back at the AFDC program over time, you find that the AFDC rolls under the Clinton administration are still well above the historical levels. Comparing 1995 to the averages of the 1980's, it is even more dramatic. If the 1995 welfare rolls had declined to the level of the 1980's, there would have been 2.7 million fewer people on AFDC.

Let me also point out, as this chart shows, that the AFDC rolls were relatively constant throughout the 1970's and 1980's. There was an average of 10.6 million AFDC recipients over the 1970's. In the 1980's, the AFDC rolls rose at a slightly higher level, at 10.8 million.

The AFDC rolls increased dramatically in the early 1990's. In fact, the AFDC rolls reached their highest point ever during the Clinton administration in 1993. There have been only 2 years in which the AFDC caseload has ever exceeded 14 million people, and those years were 1993 and 1994.

Until 1994, there were 14.1 million recipients on AFDC, well above the 1992 level. If the welfare rolls would have declined just to the historical average, never mind ending welfare as we know it, there would be 2.2 million fewer people on AFDC than there are today. At best, the Clinton administration can only claim that the number of AFDC recipients is just now returning to the level of 4 years ago. Thus, President Clinton is claiming success for bringing the number of AFDC recipients to a level which is nearly 20 percent higher than the historical average. It is a little bit like the teenager claiming victory in the Indianapolis 500 just because he found the keys to the family car.

In the Food Stamp Program, we find similar patterns but the news is slightly worse for the White House spin doctors. Let me first point out, as this second chart shows, that the 1995 food stamp caseload was higher than the 1992 level, not lower, as the administration has claimed. On average, there were about 900,000 more food stamp recipients in 1995 than in 1992. And even if you use only 1 month of data, the most recent food stamp caseload is still higher than the 1992 level. The February 1996 food stamp caseload was at 25.7 million people. This is 300,000 more people than the 1992 level. And second, there were nearly 7 million more food stamp recipients in 1995 than for the 25 year historical average.

Over the past 25 years, the average monthly number of food stamp recipients is 19.4 million people. In 1995, there were 26.3 million people receiving food stamps. There were nearly 6 million more food stamp recipients in 1995 than the average for the 1980's.

As welfare rolls are linked at least in part to the economy, you should expect the number of welfare recipients to decline even without any change in welfare policy.

We can see this relationship especially in the food stamp program in the late 1970's and 1980's. This chart shows significant growth beginning in 1979. At the same time the median money income for families was declining in real terms from $39,227 in 1979 to $36,326 in 1982, food stamp caseload peaked in 1981 at 22.4 million recipients. But the chart shows the subsequent steady decline in food stamp caseload during the Reagan administration to less than 19 million recipients in 1988 and 1989. What was happening with the economy? Well, the median money income for families during the Reagan-Bush years increased to $40,890 in 1989 in real terms.

The relationship follows in bad economic times as well. Caseloads increased once again as family income declined sliding down to $37,905 in 1993. According to Census Bureau reports, the 1993 poverty rate for all families with children under age 18 was 18.5 percent, the highest level since 1962.

If administration officials can claim success, they need to explain precisely

which Clinton welfare policy change is responsible for bringing the caseload back to the 1992 level. We need to question whether the Federal bureaucracies at USDA and HHS are really responsible for this decline.

The waivers the President continues to talk about appear to have very little if any effect. Obviously, the administration can claim credit for only those waivers which have been actually approved and implemented since 1993. Even then, the waivers must be evaluated to determine if they are or not some other factors were, indeed, the cause of the change.

In 1993, only four State welfare waivers were implemented. Obviously, these four waivers had no effect on other States. They may not have had any effect within the respective States depending upon when they were implemented during that year. In 1994, 14 waivers were implemented, in 1995 another 7. But these figures tell us very little. Waivers may not be implemented throughout the State. A State may have more than one waiver, some of which may have no impact on caseload. Some States with waivers have seen increases in their welfare caseload.

What this confusion should really tell the American people is that waivers are no substitute for authentic welfare reform. President Clinton did not mention that the welfare rolls and other programs have increased from their 1992 levels.

In September 1995, the most recent data available, there were 6.5 million people receiving supplemental security income benefits. This is an increase of nearly 1 million people from December 1992. We have also added about 5 million people to the Medicaid Program since 1992.

Mr. President, here are a couple of more facts to go with the White House data. It has now been 39 months since President Clinton outlined his welfare reform goals to the American people and promised to deliver welfare reform to the Nation's Governors. Instead, he has vetoed authentic welfare reform not once but twice in the past 5 months.

Mr. President, there are important differences between a vision and an optical illusion. The Republicans have outlined their vision for ending the vicious cycle of dependency through restoring the timeless values of work and family life. Meanwhile, the White House magicians will continue to conjure up a few minor, if not meaningless, figures in an attempt to divert the public's attention from the real facts of welfare reform.

FOREIGN OIL CONSUMED BY THE UNITED STATES? HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 3, the United States imported 7,301,000 barrels of oil each day, 1,184,000 barrels more than the 6,117,000 barrels imported during the same week a year ago.

Americans now rely on foreign oil for 53 percent of their needs, and there are no signs that this upward spriral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,301,000 barrels a day.

Mr. President, I hope Senators will examine this information in the context of rapidly rising gasoline prices. U.S. reliance on foreign oil has caused us to forsake the use of alternative domestic fuels and allowed for serious declines in domestic crude oil production. In 1970, the United States produced 9,600,000 million barrels per day. Currently, we are producing only 6,500,000 million barrels per day. Thus, more than half of the gasoline consumed in this country comes from foreign sources, and the problem is getting worse.

Where's the leadership from the White House on this critical issue? The President ordered a draw down of the strategic oil reserves. The American people recognize this for what it is—a cynical joke. Of course Congress should cut the Clinton gas tax. We should also cut taxes on domestic alternative fuel sources, and on a host of other taxes Democrats have heaped on the shoulders of hardworking American taxpayers.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on Friday, February 23, 1996, the U.S. Federal debt broke the $5 trillion sound barrier for the first time in history. The records show that on that day, at the close of business, the debt stood at $5,017,056,630,040.53.

Twenty years earlier, in 1976, the Federal debt stood at $629 billion, after the first 200 years of America's history, including two world wars. The total Federal debt in 1976, I repeat, stood at $629 billion.

Then the big spenders went to work and the compounded interest on the Federal debt really began to take off—and, presto, during the past two decades the Federal debt has soared into the stratosphere, increasing by more than $4 trillion in two decades, from 1976 to 1996.

So, Mr. President, as of the close of business yesterday, Tuesday, May 7, the Federal debt stood—down-to-the-penny—at $5,093,910,014,740.64. On a per capita basis, every man, woman, and child in America owes $19,236.90 as his or her share of that debt.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, "to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude." Isn't it about time that Congress heeded the wise words of my hero, Thomas Jefferson, the author of the Declaration of Independence?

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of section 168(b) of Public Law 102–138, the Speaker appoints the following Members on the part of the House to the British American Interparliamentary Group: Mr. HAMILTON of Indiana, Mr. LANTOS of California, Mr. HASTINGS of Florida, and Mrs. KENNELLY of Connecticut.

The message also announced that pursuant to section 232(c)(2) of Public Law 103–432, the Speaker appoints the following members from private life to the Advisory Board on Welfare Indicators on the part of the House: Ms. Eloise Anderson of California, Mr. Wade F. Horn of Maryland, Mr. Marvin H. Kosters of Virginia, and Mr. Robert Greenstein of the District of Columbia.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2137. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

H.R. 2974. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.

H.R. 2980. An act to amend title 18, United States Code, with respect to stalking.

H.R. 3120. An act to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 150. Concurrent resolution authorizing the use of the Capitol Grounds for an event displaying racing, restored, and customized motor vehicles and transporters.

ENROLLED BILL SIGNED

At 2:43 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 641. An act to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

The following measure was read the first and second times by unanimous consent and ordered placed on the calendar:

H.R. 2137. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 8, 1996 he had presented to the President of the United States, the following enrolled bill:

S. 641. An act to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2484. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2515–AD73); to the Committee on Environment and Public Works.

EC–2485. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD38); to the Committee on Environment and Public Works.

EC–2486. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD61); to the Committee on Environment and Public Works.

EC–2487. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AB15); to the Committee on Environment and Public Works.

EC–2488. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD46); to the Committee on Environment and Public Works.

EC–2489. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD83); to the Committee on Environment and Public Works.

EC–2490. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5452–7); to the Committee on Environment and Public Works.

EC–2491. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Oil Discharge Program; Editorial Revision of Rules; Correction"; to the Committee on Environment and Public Works.

EC–2492. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Approval and Promulgation of State Implementation Plan; Wisconsin; Lithographic Printing SIP Revision"; to the Committee on Environment and Public Works.

EC–2493. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Approval and Promulgation of State Implementation Plan; Illinois" (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2494. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Approval and Promulgation of State Implementation Plan; Indiana" (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2495. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Approval and Promulgation of State Implementation Plan; Kentucky: Approval of Revisions to the Kentucky State Implementation Plan" (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2496. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Approval and Promulgation of State Implementation Plan; Tennessee; Revision to New Source Review, Construction and Operating Permit Requirements for Nashville/Davidson County" (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2497. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Approval and Promulgation of State Implementation Plan; Pennsylvania-Emission Statement Program" (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2498. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Designation of Areas for Air Quality Planning Purposes; State of Texas; Correction of the Design Value and Classification for the Beaumont/Port Arthur Ozone Nonattainment Area" (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2499. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Pesticide Tolerance for Tribenuron" (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2500. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "The Approval and Promulgation of State Implementation Plan; Wisconsin; Wood Furniture Coating SIP Revision" (receiving April 25, 1996); to the Committee on Environment and Public Works.

EC–2501. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5446–7); to the Committee on Environment and Public Works.

EC–2502. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5351–1); to the Committee on Environment and Public Works.

EC–2503. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5452–4); to the Committee on Environment and Public Works.

EC–2504. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5358–6); to the Committee on Environment and Public Works.

EC–2505. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5361–1); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2506. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5454–1); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2507. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5450–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2508. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5457–5); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2510. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5454–2); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2511. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, Transmitting, pursuant to law, the report of a final rule (FRL–5442–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2512. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5434–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2513. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of final rule (FRL–5443–7) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2514. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5441–3) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2515. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5361–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2516. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5442–7) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2517. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5405–1) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2518. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5438–4) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2519. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA65) received on April 25, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2520. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA65) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2521. A communication from the General Counsel of the Department of Transportation, Transmitting, pursuant to law, the report of a final rule (RIN2120–AA65) received on April 24, 1996; to the Committee on Commerce, Science and Transportation.

EC–2522. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA64) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2523. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA64) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2524. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA64) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2525. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE46) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2526. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE46) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2527. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE47) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2528. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE47) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2529. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AA97) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2530. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE85) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2531. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a package of thirteen final rules (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–2532. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC23); to the Committee on Commerce, Science, and Transportation.

EC–2533. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC41); to the Committee on Commerce, Science, and Transportation.

EC–2534. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC40); to the Committee on Commerce, Science, and Transportation.

EC–2535. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC39); to the Committee on Commerce, Science, and Transportation.

EC–2536. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC38); to the Committee on Commerce, Science, and Transportation.

EC–2537. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC42); to the Committee on Commerce, Science, and Transportation.

EC–2538. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC46); to the Committee on Commerce, Science, and Transportation.

EC–2539. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC34); to the Committee on Commerce, Science, and Transportation.

EC–2540. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AF18); to the Committee on Commerce, Science, and Transportation.

EC–2541. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AF16); to the Committee on Commerce, Science, and Transportation.

EC–2542. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a report of final rules (RIN2120, RIN2115–AF30, RIN2115–AF31, RIN2115–AE46, RIN2115–AE47, RIN2120–AA63, RIN2120–AA64, RIN2120–AA65, RIN2120–AA66, RIN2120–AE87, RIN2115–AA97, RIN2115–AA98) (received April 26, 1996); to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. PELL) (by request):

S. 1732. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. THURMOND, Mr. BROWN, Mr. GRASSLEY, Mr. LOTT, Mr. DEWINE, and Mr. FAIRCLOTH):

S. 1733. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. LEVIN, Mr. STEVENS, Mr. NUNN, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, and Mr. KOHL):

S. 1734. A bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself, Mr. BRYAN, Mr. WARNER, Mr. BURNS, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. AKAKA, Mr. JOHNSTON, and Mr. COVERDELL):

S. 1735. A bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 1736. A bill for the relief of Staff Sergeant Charles Raymond Stewart and Cynthia M. Stewart of Anchorage, Alaska, and their minor son, Jeff Christopher Stewart; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 1737. A bill to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS:

S. 1738. A bill to provide for improved access to and use of the Boundary Water Canoe Area Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself, Mr. ROTH, Mr. GRAMM, Mr. GRASSLEY, Mr. SIMPSON, Mr. PRESSLER, Mr. NICKLES, Mr. BENNETT, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. GREGG, Mr. KEMPTHORNE, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, and Mr. WARNER):

S. 1739. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. DOLE): S. 1740. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. PELL) (by request):

S. 1732. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993; to the Committee on Foreign Relations.

THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

Mr. LUGAR. Mr. President, on behalf of Senator PELL and myself, I rise to introduce, by request, the Chemical Weapons Convention Implementation Act.

The Chemical Weapons Convention was signed by the United States on January 13, 1993, and was submitted by President Clinton to the U.S. Senate on November 23, 1993, for its advice and consent to ratification.

The Chemical Weapons Convention has been the subject of numerous hearings by various committees and was reported out of the Committee on Foreign Relations last month. It is now awaiting action by the full Senate.

The Chemical Weapons Convention contains a number of provisions that require implementing legislation to give them effect within the United States. These include: international inspections of U.S. facilities; declarations by U.S. chemical and related industry; and establishment of a national authority to serve as the liaison between the United States and the international organization established by the Chemical Weapons Convention and the States parties to the convention.

Mr. President, I ask unanimous consent that this Implementation Act that we are introducing at the request of the administration be printed in the RECORD, together with the transmittal letter to the President of the Senate from the Director of the U.S. Arms Control and Disarmament Agency, John D. Holum.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Weapons Convention Implementation Act of 1995."

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows—

SEC. 3. CONGRESSIONAL FINDINGS.

The Congress makes the following findings—

(1) Chemical weapons pose a significant threat to the national security of the United States and are a scourge to humankind.

(2) The Chemical Weapons Convention is the best means of ensuring the nonproliferation of chemical weapons and their eventual destruction and forswearing by all nations.

(3) The verification procedures contained in the Chemical Weapons Convention and the faithful adherence of nations to them, including the United States, are crucial to the success of the Convention.

(4) The declarations and inspections required by the Chemical Weapons Convention are essential for the effectiveness of the verification regime.

SEC. 4. CONGRESSIONAL DECLARATIONS.

The Congress makes the following declarations—

(1) It shall be the policy of the United States to cooperate with other States Parties to the Chemical Weapons Convention and to afford the appropriate form of legal assistance to facilitate the implementation of the prohibitions contained in title II of this Act.

(2) It shall be the policy of the United States, during the implementation of its obligations under the Chemical Weapons Convention, to assign the highest priority to ensuring the safety of people and to protecting the environment, and to cooperate as appropriate with other States Parties to the Convention in this regard.

(3) It shall be the policy of the United States to minimize, to the greatest extend practicable, the administrative burden and intrusiveness of measures to implement the Chemical Weapons Convention placed on commercial and other private entities, and to take into account the possible competitive impact of regulatory measures on industry, consistent with the obligations of the United States under the Convention.

SEC. 5. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the definitions of the terms used in this Act shall be those contained in the Chemical Weapons Convention. Nothing in paragraphs 2 or 3 of Article II of the Chemical Weapons Convention shall be construed to limit verification activities pursuant to Parts X or XI of the Annex on Implementation and Verification of the Convention.

(b) OTHER DEFINITIONS.—

(1) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(3) The term "United States," when used in a geographical sense, includes all places under the jurisdiction or control of the United States, including (A) any of the places within the provisions of section 101(41) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Sec. 1301(41)), (B) any public aircraft or civil aircraft of the United States, as such terms as defined in sections 101(36) and (18) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Secs. 1301(36) and 1301(18)), and (C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C. App. Sec. 1903(b)).

(4) The term "person," except as used in section 201 of this Act and as set forth below, means (A) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in

the United States; and (B) any legal successor, representative, agent or agency of the foregoing located in the United States. The phrase "located in the United States" in the term "person" shall not apply to the term "person" as used in the phrases "person located outside the territory" in sections 203(b) and 302(d) of this Act and "person located in the territory" in section 203(b) of this Act.

(5) The term "Technical Secretariat" means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

SEC. 6. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE I—NATIONAL AUTHORITY

SEC. 101. ESTABLISHMENT.

Pursuant to paragraph 4 of Article VII of the Chemical Weapons Convention, the President or the designee of the President shall establish the "United States National Authority" to, *inter alia*, serve as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and other States Parties to the Convention.

TITLE II—APPLICATION OF CONVENTION PROHIBITIONS TO NATURAL AND LEGAL PERSONS

SEC. 201. CRIMINAL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by—

(1) redesignating chapter 11A relating to child support as chapter 11B; and

(2) inserting after chapter 11 relating to bribery, graft and conflicts of interest the following new chapter:

"CHAPTER 11A—CHEMICAL WEAPONS

"Sec.
"227. Penalties and prohibitions with respect to chemical weapons.
"227A. Seizure, forfeiture, and destruction.
"227B. Injunctions.
"227C. Other prohibitions.
"227D. Definitions.

"SEC. 227. PENALTIES AND PROHIBITIONS WITH RESPECT TO CHEMICAL WEAPONS.

"(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly develops, produces, otherwise acquires, stockpiles, retains, directly or indirectly transfers, uses, owns or possesses any chemical weapon, or knowingly assists, encourages or induces, in any way, any person to do so, or attempts or conspires to do so, shall be fined under this title or imprisoned for life or any term of years, or both.

"(b) EXCLUSION.—Subsection (a) shall not apply to the retention, ownership or possession of a chemical weapon, that is permitted by the Chemical Weapons Convention pending the weapon's destruction, by any agency or department of the United States. This exclusion shall apply to any person, including members of the Armed Forces of the United States, who is authorized by any agency or department of the United States to retain, own or possess a chemical weapon, unless that person knows or should have known that such retention, ownership or possession is not permitted by the Chemical Weapons Convention.

"(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsection (a) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

"(d) ADDITIONAL PENALTY.—The court shall order that any person convicted of any offense under this section pay to the United States any expenses incurred incident to the seizure, storage, handling, transportation and destruction or other disposition of property seized for the violation of this section.

"SEC. 227A. SEIZURE, FORFEITURE, AND DESTRUCTION.

"(a) SEIZURE.—

"(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any chemical weapon defined in section 227D(2)(A) of this title that is of a type or quantity that under the circumstances is inconsistent with the purposes not prohibited under the Chemical Weapons Convention.

"(2) In exigent circumstances, seizure and destruction of any such chemical weapon described in paragraph (1) may be made by the Attorney General upon probable cause without the necessity for a warrant.

"(b) PROCEDURE FOR FORFEITURE AND DESTRUCTION.—Except as provided in paragraph (2) of subsection (a), property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such a hearing, the government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the provisions of chapter 46 of this title relating to civil forfeitures shall extend to a seizure or forfeiture under this section. The Attorney General shall provide for the destruction or other appropriate disposition of any chemical weapon seized and forfeited pursuant to this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (b) that—

"(1) such alleged chemical weapon is for a purpose not prohibited under the Chemical Weapons Convention; and

"(2) such alleged chemical weapon is of a type and quantity that under the circumstances is consistent with that purpose.

(d) OTHER SEIZURE, FORFEITURE, AND DESTRUCTION.—

"(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any chemical weapon defined in section 227D(2) (B) or (C) of this title that exists by reason of conduct prohibited under section 227 of this title.

"(2) In exigent circumstances, seizure and destruction of any such chemical weapon described in paragraph (1) may be made by the Attorney General upon probable cause without the necessity for a warrant.

"(3) Property seized pursuant to this subsection shall be summarily forfeited to the United States and destroyed.

"(e) ASSISTANCE.—The Attorney General may request assistance from any agency or department in the handling, storage, transportation or destruction of property seized under this section.

"(f) OWNER LIABILITY.—The owner or possessor of any property seized under this section shall be liable to the United States for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation and destruction or other disposition of the seized property.

"SEC. 227B. INJUNCTIONS.

"(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 227 of this title;

"(2) the preparation or solicitation to engage in conduct prohibited under section 227 of this title; or

"(3) the development, production, other acquisition, stockpiling, retention, direct or indirect transfer, use, ownership or possession, or the attempted development, production, other acquisition, stockpiling, retention, direct or indirect transfer, use, ownership or possession, of any alleged chemical weapon defined in section 227D(2)(A) of this title that is of a type or quantity that under the circumstances is inconsistent with the purposes not prohibited under the Chemical Weapons Convention, or the assistance to any person to do so.

"(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) that—

"(1) the conduct sought to be enjoined is for a purpose not prohibited under the Chemical Weapons Convention; and

"(2) such alleged chemical weapon is of a type and quantity that under the circumstances is consistent with that purpose.

"SEC. 227C. OTHER PROHIBITIONS.

"(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly uses riot control agents as a method of warfare, or knowingly assists any person to do so, shall be fined under this title or imprisoned for a term of not more than ten years, or both.

"(b) EXCLUSION.—Subsection (a) shall not apply to members of the Armed Forces of the United States. Members of the Armed Forces of the United States who use riot control agents as a method of warfare shall be subject to appropriate military penalties.

"(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsection (a) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

"SEC. 227D. DEFINITIONS.

"As used in this chapter, the term—

"(1) 'Chemical Weapons Convention' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993;

"(2) 'chemical weapon' means the following, together or separately:

"(A) a toxic chemical and its precursors, except where intended for a purpose not prohibited under the Chemical Weapons Convention, as long as the type and quantity is consistent with such a purpose;

"(B) a munition or device, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device; or

"(C) any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B);

"(3) 'toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method

of production, and regardless of whether they are produced in facilities, in munitions or elsewhere. (For the purpose of implementing the Chemical Weapons Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.);

"(4) 'precursor' means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system. (For the purpose of implementing the Chemical Weapons Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.);

"(5) 'key component of a binary or multicomponent chemical system' means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system;

"(6) 'purpose not prohibited under the Chemical Weapons Convention' means—

"(A) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

"(B) protective purposes; namely, those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

"(C) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

"(D) law enforcement purposes, including domestic riot control purposes;

"(7) 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(8) 'United States,' when used in a geographical sense, includes all places under the jurisdiction or control of the United States, including (A) any of the places within the provisions of section 101(41) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Sec. 1301(41)), (B) any public aircraft or civil aircraft of the United States, as such terms are defined in sections 101(36) and (18) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Secs. 1301(36) and 1301(18)), and (C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C. App. Sec. 1903(b));

"(9) 'person' means (A) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity; and (B) any legal successor, representative, agent or agency of the foregoing; and

"(10) 'riot control agent' means any chemical not listed in a Schedule in the Annex on Chemicals of the Chemical Weapons Convention, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

"Nothing in paragraphs (3) or (4) of this section shall be construed to limit verification activities pursuant to Part X or Part XI of the Annex on Implementation and Verification of the Chemical Weapons Conventions."

(b) CLERICAL AMENDMENTS.—The table of chapters for part I of title 18, United States Code, is amended by—

(1) in the item for chapter 11A relating to child support, redesignating "11A" as "11B"; and

(2) inserting after the item for chapter 11 of the following new item:

"11A. Chemical weapons ..... 227."

SEC. 202. EFFECTIVE DATE.

This title shall take effect on the date the Chemical Weapons Convention enters into force for the United States.

SEC. 203. RESTRICTIONS ON SCHEDULED CHEMICALS.

(a) SCHEDULE 1 ACTIVITIES.—It shall be unlawful for any person, or any national of the United States located outside the United States, to produce, acquire, retain, transfer or use a chemical listed on Schedule 1 of the Annex on Chemicals of the Chemical Weapons Convention, unless—

(1) the chemicals are applied to research, medical, pharmaceutical or protective purposes;

(2) the types and quantities of chemicals are strictly limited to those that can be justified for such purposes; and

(3) the amount of such chemicals per person at any given time for such purposes does not exceed a limit to be determined by the United States National Authority, but in any case, does not exceed one metric ton.

(b) EXTRATERRITORIAL ACTS.—

(1) It shall be unlawful for any person, or any national of the United States located outside the United States, to produce, acquire, retain, or use a chemical listed on Schedule 1 of the Annex on Chemicals of the Chemical Weapons Convention outside the territories of the States Parties to the Convention or to transfer such chemicals to any person located outside the territory of the United States, except as provided for in the Convention for transfer to a person located in the territory of another State Party to the Convention.

(2) Beginning three years after the entry into force of the Chemical Weapons Convention, it shall be unlawful for any person, or any national of the United States located outside the United States, to transfer a chemical listed on Schedule 2 of the Annex on Chemicals of the Convention to any person located outside the territory of a State Party to the Convention or to receive such a chemical from any person located outside the territory of a State Party to the Convention.

(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsections (a) and (b) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

TITLE III—REPORTING

SEC. 301. REPORTING OF INFORMATION.

(a) REPORTS.—The Department of Commerce shall promulgate regulations under which each person who produces, processes, consumes, exports or imports, or proposes to produce, process, consume, export or import, a chemical substance subject to the Chemical Weapons Convention shall maintain and permit access to such records and shall submit to the Department of Commerce such reports as the United States National Authority may reasonably require pursuant to the Chemical Weapons Convention. The Department of Commerce shall promulgate regulations pursuant to this title expeditiously, taking into account the written decisions issued by the Organization for the Prohibition of Chemical Weapons, and may amend or change such regulations as necessary.

(b) COORDINATION.—To the extent feasible, the United States National Authority shall not require any reporting that is unnecessary, or duplicative of reporting required under any other Act. Agencies and departments shall coordinate their actions with other agencies and departments to avoid duplication of reporting by the affected persons under this Act or any other Act.

SEC. 302. CONFIDENTIALITY OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT EXEMPTION FOR CERTAIN CHEMICAL WEAPONS CONVENTION INFORMATION.—Any information reported to, or otherwise obtained by, the United States National Authority, the Department of Commerce, or any other agency or department under this Act or under the Chemical Weapons Convention shall not be required to be publicly disclosed pursuant to section 552 of Title 5, United States Code.

(b) PROHIBITED DISCLOSURE AND EXCEPTIONS.—Information exempt from disclosure under subsection (a) shall not be published or disclosed, except that such information—

(1) shall be disclosed or otherwise provided to the Technical Secretariat or other States Parties to the Chemical Weapons Convention in accordance with the Convention, in particular, the provisions of the Annex on the Protection of Confidential Information;

(2) shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, or member thereof, shall disclose such information or material;

(3) shall be disclosed to other agencies or departments for law enforcement purposes with regard to this Act or any other Act, and may be disclosed or otherwise provided when relevant in any proceeding under this Act or any other Act, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding; and

(4) may be disclosed, including in the form of categories of information, if the United States National Authority determines that such disclosure is in the national interest.

(c) NOTICE OF DISCLOSURE.—If the United States National Authority, pursuant to subsection (b)(4), proposes to publish or disclose or otherwise provide information exempted from disclosure in subsection (a), the United States National Authority shall, where appropriate, notify the person who submitted such information of the intent to release such information. Where notice has been provided, the United States National Authority may not release such information until the expiration of 30 days after notice has been provided.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person, including persons located outside the territory of the United States, not entitled to receive it, shall be fined under title 18, United

States Code, or imprisoned for not more than five years, or both.

(e) INTERNATIONAL INSPECTORS.—The provisions of this section on disclosure or provision of information shall also apply to employees of the Technical Secretariat.

SEC. 303. PROHIBITED ACTS.

It shall be unlawful for any person to fail or refuse to (a) establish or maintain records, (b) submit reports, notices, or other information to the Department of Commerce or the United States National Authority, or (c) permit access to or copying of records, as required by this Act or a regulation thereunder.

TITLE IV—INSPECTIONS

SEC. 401. INSPECTIONS PURSUANT TO ARTICLE VI OF THE CHEMICAL WEAPONS CONVENTION.

(a) AUTHORITY.—For purposes of administering this Act—

(1) any duly designated member of an inspection team of the Technical Secretariat may inspect any plant, plant site, or other facility or location in the United States subject to inspection pursuant to the Chemical Weapons Convention; and

(2) the National Authority shall designate representatives who may accompany members of an inspection team of the Technical Secretariat during the inspection specified in paragraph (1). The number of duly designated representatives shall be kept to the minimum necessary.

(b) NOTICE.—An inspection pursuant to subsection (a) may be made only upon issuance of a written notice to the owner and to the operator, occupant or agent in charge of the premises to be inspected, except that failure to receive a notice shall not be a bar to the conduct of an inspection. The notice shall be submitted to the owner and to the operator, occupant or agent in charge as soon as possible after the United States National Authority receives it from the Technical Secretariat. The notice shall include all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought, including, for challenge inspections pursaunt to Article IX of the Chemical Weapons Convention, appropriate evidence or reasons provided by the requesting State Party to the Convention with regard to its concerns about compliance with the Chemical Weapons Convention at the facility or location. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection.

(c) CREDENTIALS.—If the owner, operator, occupant or agent in charge of the premises to be inspected is present, a member of the inspection team of the Technical Secretariat, as well as, if present, the representatives of agencies or departments, shall present appropriate credentials before the inspection is commenced.

(d) TIMEFRAME FOR INSPECTIONS.—Consistent with the provisions of the Chemical Weapons Convention, each inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner. The Department of Commerce shall endeavor to ensure that, to the extent possible, each inspection is commenced, conducted and concluded during ordinary working hours, but no inspection shall be prohibited or otherwise disrupted for commencing, continuing or concluding during other hours. However, nothing in this subsection shall be interpreted as modifying the time frame established in the Chemical Weapons Convention.

(e) SCOPE.—

(1) Except as provided in paragraph (2) of this subsection and subsection (f), an inspection conducted under this title may extend to all things within the premises inspected (including records, files, papers, processes, controls, structures and vehicles) related to whether the requirements of the Chemical Weapons Convention applicable to such premises have been complied with.

(2) To the extent possible consistent with the obligations of the United States pursuant to the Chemical Weapons Convention, no inspection under this title shall extend to—

(A) financial data;

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) research data;

(F) patent data;

(G) data maintained for compliance with environmental or occupational health and safety regulations; or

(H) personnel and vehicles entering and personnel and personal passenger vehicles exiting the facility.

(f) FACILITY AGREEMENTS.—

(1) Inspections of plants, plant sites, or other facilities or locations for which the United States has a facility agreement with the Organization for the Prohibition of Chemical Weapons shall be conducted in accordance with the facility agreement.

(2) Facility agreements shall be concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 4 of Article VI of the Chemical Weapons Convention unless the owner and the operator, occupant or agent in charge of the facility and the Technical Secretariat agree that such an agreement is not necessary. Facility agreements should be concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraphs 5 or 6 of Article VI of the Chemical Weapons Convention if so requested by the owner and the operator, occupant or agent in charge of the facility.

(3) The owner and the operator, occupant or agent in charge of a facility shall be notified prior to the development of the agreement relating to that facility and, if they so request, may participate in the preparations for the negotiation of such an agreement. To the extent practicable consistent with the Chemical Weapons Convention, the owner and the operator, occupant or agent in charge of a facility may observe negotiations of the agreement between the United States and the Organization for the Prohibition of Chemical Weapons concerning that facility.

(g) SAMPLING AND SAFETY.—

(1) The Department of Commerce is authorized to require the provision of samples to a member of the inspection team of the Technical Secretariat in accordance with the provisions of the Chemical Weapons Convention. The owner or the operator, occupant or agent in charge of the premises to be inspected shall determine whether the sample shall be taken by representatives of the premises on the inspection team or other individuals present.

(2) In carrying out their activities, members of the inspection team of the Technical Secretariat and representatives of agencies or departments accompanying the inspection team shall observe safety regulations established at the premises to be inspected, including those for protection of controlled environments within a facility and for personal safety.

(h) COORDINATION.—To the extent possible consistent with the obligations of the United States pursuant to the Chemical Weapons Convention, the representatives of the United States National Authority, the Department of Commerce and any other agency or department, if present, shall assist the owner and the operator, occupant or agent in charge of the premises to be inspected in interacting with the members of the inspection team of the Technical Secretariat.

SEC. 402. OTHER INSPECTIONS PURSUANT TO THE CHEMICAL WEAPONS CONVENTION AND LEAD AGENCY.

(a) OTHER INSPECTIONS.—The provisions of this title shall apply, as appropriate, to all other inspections authorized by the Chemical Weapons Convention. For all inspections other than those conducted pursuant to paragraphs 4, 5 or 6 of Article VI of the Convention, the term "Department of Commerce" shall be replaced by the term "Lead Agency" in section 401.

(b) LEAD AGENCY.—For the purposes of this title, the term "Lead Agency" means the agency or department designated by the President or the designee of the President to exercise the functions and powers set forth in the specific provision, based, *inter alia*, on the particular responsibilities of the agency or department within the United States Government and the relationship of the agency or department to the premises to be inspected.

SEC. 403. PROHIBITED ACTS.

It shall be unlawful for any person to fail or refuse to permit entry or inspection, or to disrupt, delay or otherwise impede an inspection as required by this Act or the Chemical Weapons Convention.

SEC. 404. PENALTIES.

(a) CIVIL.—

(1)(A) Any person who violates a provision of section 203 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $50,000 for each such violation.

(B) Any person who violates a provision of section 303 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation.

(C) Any person who violates a provision of section 403 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. For purposes of this subsection, each day such a violation of section 403 continues shall constitute a separate violation of section 403.

(2)(A) A civil penalty for a violation of section 203, 303 or 403 of this Act shall be assessed by the Lead Agency by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Lead Agency shall give written notice to the person to be assessed a civil penalty under such order of the Lead Agency's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(B) In determining the amount of a civil penalty, the Lead Agency shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business,

any history of prior such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(C) The Lead Agency may compromise, modify or remit, with or without conditions, and civil penalty which may be imposed under this subsection. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(3) Any person who requested in accordance with paragraph (2)(A) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may be filed only within the 30-day period beginning on the date the order making such assessment was issued.

(4) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (3); or

(B) after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Lead Agency;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in paragraph (3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount and appropriateness of such penalty shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly violates any provision of section 203, 303 or 403 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than two years, or both.

SEC. 405. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions to—

(1) restrain any violation of section 203, 303 or 403 of this Act; and

(2) compel the taking of any action required by or under this Act or the Chemical Weapons Convention.

(b) CIVIL ACTIONS.—A civil action described in subsection (a) may be brought—

(1) in the case of a civil action described in subsection (a)(1), in the United States district court for the judicial district wherein any act, omission, or transaction constituting a violation of section 203, 303 or 403 of this Act occurred or wherein the defendant is found or transacts business; or

(2) in the case of a civil action described in subsection (a)(2), in the United States district court for the judicial district wherein the defendant is found or transacts business.

In any such civil action process may be served on a defendant wherever the defendant may reside or may be found, whether the defendant resides or may be found within the United States or elsewhere.

SEC. 406. LEGAL PROCEEDINGS.

(a) WARRANTS.—

(1) The Lead Agency shall seek the consent of the owner or the operator, occupant or agent in charge of the premises to be inspected prior to the initiation of any inspection. Before or after seeking such consent, the Lead Agency may seek a search warrant from any official authorized to issue search warrants. Proceedings regarding the issuance of a search warrant shall be conducted *ex parte*, unless otherwise requested by the Lead Agency. The Lead Agency shall provide to the official authorized to issue search warrants all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought, including, for challenge inspections pursuant to Article IX of the Chemical Weapons Convention, appropriate evidence or reasons provided by the requesting State Party to the Convention with regard to its concerns about compliance with the Chemical Weapons Convention at the facility or location. The Lead Agency shall also provide any other appropriate information available to it relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection.

(2) The official authorized to issue search warrants shall promptly issue a warrant authorizing the requested inspection upon an affidavit submitted by the Lead Agency showing that—

(A) the Chemical Weapons Convention is in force for the United States;

(B) the plant site, plant, or other facility or location sought to be inspected is subject to the specific type of inspection requested under the Chemical Weapons Convention;

(C) the procedures established under the Chemical Weapons Convention and this Act for initiating an inspection have been complied with; and

(D) the Lead Agency will ensure that the inspection is conducted in a reasonable manner and will not exceed the scope or duration set forth in or authorized by the Chemical Weapons Convention or this Act.

(3) The warrant shall specify the type of inspection authorized; the purpose of the inspection; the type of plant site, plant, or other facility or location to be inspected; to the extent possible, the items, documents and areas that may be inspected; the earliest commencement and latest concluding dates and times of the inspection; and the identities of the representatives of the Technical Secretariat, if known, and, if applicable, the representatives of agencies or departments.

(b) SUBPOENAS.—In carrying out this Act, the Lead Agency may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions and other information that the Lead Agency deems necessary. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the event of contumacy, failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.

(c) INJUNCTIONS AND OTHER ORDERS.—No court shall issue an injunction or other order that would limit the ability of the Technical Secretariat to conduct, or the United States National Authority or the Lead Agency to facilitate, inspections as required or authorized by the Chemical Weapons Convention.

SEC. 407. AUTHORITY.

(a) REGULATIONS.—The Lead Agency may issue such regulations as are necessary to implement and enforce this title and the provisions of the Chemical Weapons Convention, and amend or revise them as necessary.

(b) ENFORCEMENT.—The Lead Agency may designate officers or employees of the agency or department to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate for the enforcement of this Act, or for the imposition of any penalty or liability arising under this Act, exercise such authorities as are conferred upon them by other laws of the United States.

SEC. 408. SAVING PROVISION.

The purpose of this Act is to enable the United States to comply with its obligations under the Chemical Weapons Convention. Accordingly, in addition to the authorities set forth in this Act, the President is authorized to issue such executive orders, directives or regulations as are necessary to fulfill the obligations of the United States under the Chemical Weapons Convention, provided such executive orders, directives or regulations do not exceed the requirements specified in the Chemical Weapons Convention.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, DC, May 25, 1993.

Hon. ALBERT GORE, Jr.,
President, U.S. Senate.

DEAR MR. PRESIDENT: On behalf of the Administration, I hereby submit for consideration the "Chemical Weapons Convention Implementation Act of 1995." The Chemical Weapons Convention (CWC) was signed by the United States in Paris on January 13, 1993, and was submitted by President Clinton to the United States Senate on November 23, 1993, for its advice and consent to ratification. The CWC prohibits, inter alia, the use, development, production, acquisition, stockpiling, retention, and direct or indirect transfer of chemical weapons.

The President has urged the Senate to provide its advice and consent to ratification as early as possible so that the United States can continue to exercise its leadership role in seeking the earliest possible entry into force of the Convention. The recent chemical attacks in Japan underscore the importance of early ratification of the CWC and approval of this legislation.

The CWC contains a number of provisions that require implementing legislation to give them effect within the United States. These include:

International inspections of U.S. facilities;

Declarations by U.S. chemical and related industry; and

Establishment of a "National Authority" to serve as the liaison between the United States and the international organization established by the CWC and States Parties to the Convention.

In addition, the CWC requires the United States to prohibit all individuals and legal entities, such as corporations, within the United States, as well as all individuals outside the United States possessing U.S. citizenship, from engaging in activities that are prohibited under the Convention. As part of this obligation, the CWC requires the United States to enact "penal" legislation implementing this prohibition (i.e., legislation that penalizes conduct, either by criminal, administrative, military or other sanctions.)

The proposed "Chemical Weapons Convention Act of 1995" reflects views expressed from representatives of industry as well as from staff of various committees.

Expeditious enactment of implementing legislation is very important to the ability of the United States to fulfill its treaty obligations under the Convention. Enactment will enable the United States to collect the required information from industry and to allow the inspections called for in the Convention. It will also enable the United States to outlaw all activities related to chemical weapons, except CWC permitted activities, such as chemical defense programs. This will help fight chemical terrorism by penalizing not just the use, but also the development, production and transfer of chemical weapons. Thus, the enactment of legislation by the United States and other CWC States Parties will make it much easier for law enforcement officials to investigate and punish chemical terrorists early, before chemical weapons are used.

The Omnibus Budget and Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase to the deficit; and if it does, it could trigger a sequester if not fully offset. This proposal would increase receipts by less than $500,000 a year.

As the President indicated in his transmittal letter of the Convention: "The CWC is in the best interests of the United States. Its provisions will significantly strengthen United States, allied and international security, and enhance global and regional stability." Therefore, I urge the Congress to enact the necessary implementing legislation as soon as possible after the Senate has given its advice and consent to ratification.

The Office of Management and Budget advises that there is no objection to the submission of this proposal and its enactment is in accord with the President's program.

Sincerely,

JOHN D. HOLUM.

By Mr. HELMS (for himself, Mr. THURMOND, Mr. BROWN, Mr. GRASSLEY, Mr. LOTT, Mr. DEWINE, and Mr. FAIRCLOTH):

S. 1733. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, and for other purposes; to the Committee on the Judiciary.

THE CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. HELMS. Mr. President, it's difficult to imagine an act more cowardly or reprehensible than a violent criminal act against a child, or an elderly person, or someone who is mentally or physically handicapped. But this dastardly criminality is becoming more and more common is society as a part of the general moral decay which is so painfully apparent in our cities and towns. Therefore, I am introducing a bill to strengthen the penalty for criminals who commit violent Federal crimes against children, the elderly, and those vulnerable due to mental or physical conditions.

Crimes against the vulnerable are soaring. For instance, according to the Bureau of Justice Statistics, personal crimes against the elderly increased by 90 percent between 1985 and 1991—from 627,318 in 1985 to 1,146,929 in 1991. Likewise, the homicide rate for children skyrocketed 47 percent between 1985 and 1993.

These are real victims, Mr. President, not just statistics. Just last month in Durham, NC, two mentally handicapped women were robbed at knife point. Earlier this year in Durham, a disabled Vietnam veteran—partially blind and with limited use of his legs—was robbed after exiting a Greyhound bus. And in my hometown of Raleigh, I recall the reports of a blind, 77-year-old lady who in 1993 was raped in her backyard.

These types of crimes are sick, outrageous, and revolting. Something must be done to make clear that this kind of depravity will be severely punished in the Federal system.

The Federal law must reflect our extreme repulsion against those who would victimize people who cannot defend themselves. This bill stiffens the punishment, by an average of 50 percent, for criminals who prey on the vulnerable in our society by committing violent crimes—including carjacking, assault, rape, and robbery. More specifically, this bill directs the U.S. Sentencing Commission to increase sentences by five levels above the offense level otherwise provided if a Federal violent crime is committed against a child, an elderly person or other vulnerable victim. By vulnerable I mean one whose physical or mental condition makes him susceptible to victimization by the thugs who commit these sorts of crimes.

This bill increases most of these sentences by about 50 percent. For example, a conviction of robbery against a senior or a child currently carries with it a base-offense level of 20, which translates into 2½ to 3½ years in prison. This bill raises the base-offense level to 25, jacking up the prison sentence for robbery to 4½ to 6 years.

Incidentally, Mr. President, a substantially similar bill, introduced by Representative DICK CHRYSLER of Michigan, was passed 414 to 4 last night in the House of Representatives. The American people are demanding that these loathsome cries against the vulnerable in our society receive the punishment they deserve. This bill moves us in the right direction, and I urge my colleagues in the Senate to move with dispatch to enact this bill.

By Mr. SPECTER (for himself, Mr. LEVIN, Mr. STEVENS, Mr. NUNN, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, and Mr. KOHL):

S. 1734. A bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes; to the Committee on the Judiciary.

THE FALSE STATEMENTS PENALTY RESTORATION ACT

Mr. SPECTER. Mr. President, last year the Supreme Court overturned 40 years of statutory interpretation and held that the statute that prohibits making false statements to agencies of the Federal Government only prohibits false statements made to agencies of the executive branch.

There is no reason why Congress should receive less protection than the executive. The cardinal principle at stake is that in dealing with the Government, any agency of the Government, people must, in the words of Justice Holmes, "cut square corners," just as the Government must cut square corners in dealing with its citizens. One who lies to an entity of Government, be it an agency of the executive or a subcommittee of Congress, is under a justifiable expectation that if he or she lies, he or she will be punished.

This is not a difficult issue. For 40 years, Congress received the same protection as the executive. Anyone who lied knowingly and wilfully in a material way to either an executive agency or a component of Congress was subject to prosecution. In its Hubbard decision of last year, the Supreme Court took that protection away from Congress.

Let me offer some examples of the types of lies that can now knowingly be made without fear of criminal sanction. Recently Congress enacted lobbying disclosure. Lobbyists must make more thorough disclosures in filings with Congress. Knowing and material misstatements in these disclosure forms are no longer a basis for criminal prosecution. Many of us asks the General Accounting Office to investigate the operations of executive branch agencies. An employee of an agency being investigated by the GAO can now knowingly lie to a GAO investigator, or indeed a Senator, without having to fear criminal prosecution. Of course, if instead of the GAO the review was being conducted by an agency inspector general, then section 1001 would apply. This distinction cannot be justified.

Congress relies on accurate information to legislate, to oversee, to direct public policy. Unless the information coming to us is accurate, we are unable to fulfill our constitutional functions. This issue is a simple one. When someone provides information to Congress, its members, committees, or offices, that person should not knowingly provide untruthful information. So simple is this principle that I first offered legislation to overturn the Hubbard decision a week after it was decided. Since introduction of my bill, S. 830, I have been working with Senator LEVIN on the language of amended section 1001 and on some other ancillary matters.

The bill Senator LEVIN and I are introducing today will amend section 1001 to restore coverage for misstatements made to both Congress and the Federal judiciary, although it will codify the judiciary created exception to the pre-Hubbard section 1001 to

exempt from its coverage statements made to a court performing an adjudicative function. The rational for this exception is that our adversary system relies on unfettered argument and the chilling effect from applying section 1001 to statements to a court adjudicating a case could be significant. In addition, cross-examination and argument from the other side is adequate to reveal misstatements in the judicial context.

No similar legislative-function exemption is proposed for statements made to Congress, and none is needed. Congress does not rely on cross-examination to get at the truth. Instead, we must rely on the truthfulness of statements made to us in the course of the performance of our official duties.

In addition to restoring section 1001 liability for misstatements made to Congress and the courts, this bill would restore force to the prohibition against obstructing congressional proceedings by narrowing the meaning of the provision. This amendment is needed to respond to a decision of the U.S. Court of Appeals for the District of Columbia Circuit which found the current statute too vague to be enforceable.

The bill also clarifies when officials of executive branch agencies can assert a privilege and decline to respond to inquiries from Congress. The bill requires that an employee of an executive agency would have to demonstrate that the head of the agency directed that the privilege be asserted. This will ensure that the assertion of the privilege is reviewed at the highest levels of the agency by someone accountable to the President and ultimately the people. It will also ensure that any privileges that are asserted are governmental privileges and not personal ones.

Finally, the bill would make a minor technical amendment to the statute allowing Congress to seek to take immunized testimony from witnesses by clarifying that the testimony can be taken either at proceedings before a committee or subcommittee or any proceeding ancillary to such proceedings, such as depositions.

Mr. President, I believe this is an important bill that will restore to the law of the land the principle that one cannot knowingly and wilfully lie about a material matter to Congress. I hope my colleagues will support this principle by supporting the bill, which I hope we can enact this year.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "False Statements Penalty Restoration Act".

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Secion 1001 of title 18, United States Code, is amended to read as follows:

"§1001. Statements or entries generally

"(a) PROHIBITED CONDUCT.—

"(1) IN GENERAL.—A person shall be punished under subsection (b) if, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the United States Government, or any department, agency, committee, subcommittee, or office thereof, that person knowingly and willfully—

"(A) falsifies, conceals, or covers up, by any trick, scheme, or device, a material fact;

"(B) makes any materially false, fictitious, or fraudulent statement or representation; or

"(C) makes or uses any false writing or document, knowing that the document contains any materially false, fictitious, or fraudulent statement or entry.

"(2) APPLICABILITY.—This section shall not apply to statements, representations, writings, or documents submitted to a court in connection with the performance of an adjudicative function.

"(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned for not more than 5 years, or both."

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including, but not limited to, making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.".

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by striking "Federal Government acting within his official capacity" and inserting "Executive Branch of the Federal Government acting within his or her official capacity, if the head of the department or agency employing the officer or employee has directed the officer or employee not to comply with the subpena or order and identified the Executive Branch privilege or objection underlying such direction".

SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or ancillary to" after "any proceeding before"; and

(2) in subsection (b)—

(A) in paragraph (1) and (2), by inserting "or ancillary to" after "a proceeding before" each place it appears; and

(B) in paragraph (3), by inserting a period at the end.

• Mr. LEVIN. Mr. President, I am pleased to join with Senator SPECTER in sponsoring the False Statements Penalty Restoration Act.

Right now, it is a crime to make a false statement to the executive branch, if the false statement is made knowingly and willfully and is material in nature. This prohibition is contained in the Federal criminal code at 18 U.S.C. 1001.

Forty years ago, in 1955, the Supreme Court interpreted section 1001 to prohibit willful, material false statements not only to the executive branch, but also to the judicial and legislative branches. For 40 years, that was the law of the land, and it served this country well. But a recent Supreme Court decision has now drastically diminished the scope of this prohibition.

Last year, in a case called United States versus Hubbard, the Supreme Court reversed itself and 40 years of precedent and determined that 18 U.S.C. 1001 prohibits willful material false statements only to the executive branch, not to the judicial or legislative branch. It based its decision on the wording of the statute which doesn't explicitly reference either the courts or Congress.

The result has been the dismissal of indictments charging individuals with making willful, material false statements on expense reports or financial disclosure forms to Congress and the courts. Another consequence has been the exemption of all financial disclosure statements filed by judges and Members of Congress from criminal enforcement. Parity among the three branches has been reduced, and common sense has been violated, since, logically, the criminal status of a willful, material false statement shouldn't depend upon which branch of the Federal Government received it.

The bill we are introducing today would restore parity by amending section 1001 to make it clear that its prohibition against willful, material false statements applies to all three branches. The bill would essentially restore the status quo prior to Hubbard, including maintaining the longstanding exception for statements made to courts adjudicating disputes to ensure vigorous advocacy in the courtroom.

The false statements prohibition in section 1001 has proven itself a useful weapon against fraud, financial deception and other abuses that affect all three branches of Government. The Supreme Court gave no reason for reducing its usefulness, other than the Court's commitment to relying on the express words of the statute itself. Our bill would change those words to clarify Congress' intent to apply the same prohibition against willful, material false statements to all three branches.

Our bill would also correct a second court decision that has weakened longstanding criminal prohibitions against making false statements to Congress. The 50-year-old statute at issue here is 18 U.S.C. 1505 which prohibits persons from corruptly obstructing a congressional inquiry.

In 1991, in a dramatic departure from other circuits, the D.C. Circuit Court of Appeals held in United States versus Poindexter that the statute's use of the term "corruptly" was unconstitutionally vague and failed to provide clear

notice that it prohibited an individual's lying to Congress. The Court held that, at most, the statute only prohibited a person from inducing another person to lie or otherwise obstruct a congressional inquiry; it did not prohibit a person from personally lying or obstructing Congress.

No other Federal circuit has taken this approach. In fact, other circuits have interpreted "corruptly" to prohibit false or misleading statements not only in section 1505, but in other Federal obstruction statutes as well, including section 1503 which prohibits obstructing a Federal grand jury. These circuits have interpreted the Federal obstruction statutes to prohibit not only false statements, but also withholding, concealing, altering or destroying documents.

The bill we are introducing today would affirm the interpretations of these other circuits by defining "corruptly" to mean "acting with an improper purpose, personally or by influencing another to act, including, but not limited to, making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information."

This definition would make it clear that section 1505 is intended to prohibit the obstruction of a congressional inquiry by a person acting alone as well as when inducing another to act. It would make it clear that this prohibition bars a person from making false or misleading statements to Congress and from withholding, concealing, altering or destroying documents requested by Congress.

Our bill would make clear the conduct that section 1505 was always meant to prohibit. It would also ensure that the prohibition against obstructing Congress is given an interpretation that is consistent with the obstruction statutes that apply to the other two branches of government.

Because congressional obstruction prosecutions are more likely within the District of Columbia than other jurisdictions, the 1991 D.C. Circuit Court ruling has had a disproportionate impact on the usefulness of 18 U.S.C. 1505 to Federal prosecutors. As with Hubbard, this court ruling has led to the dismissal of charges and the limitation of prosecutorial options. It is time to restore the strength and usefulness of the congressional obstruction statute as well as its parity with other obstruction statutes protecting the integrity of Federal investigations.

The final two sections of the bill clarify the ability of Congress to compel truthful testimony. Both provisions are taken from a 1988 bill, S. 2350, sponsored by then-Senator Rudman and cosponsored by Senator INOUYE. This bill passed the Senate, but not the House. The problems it addressed, however, continue to exist.

The first problem involves enforcing Senate subpoenas to compel testimony or documents. The Senate currently has explicit statutory authority, under 28 U.S.C. 1365, to obtain court enforcement of subpoenas issued to private individuals and State officials. This enforcement authority does not apply, however, to a Senate subpoena issued to a federal official acting in an official capacity, presumably to keep political disputes between the legislative and executive branches out of the courtroom. The problem here has been to determine when a subpoenaed official is acting in an official capacity when resisting compliance with a Senate subpoena.

The Specter-Levin bill would cure this problem by exempting from enforcement only those situations where Federal officials have been directed by their agency heads to exert a government privilege and resist compliance with the subpoena. Any official resisting a subpoena without direction from his or her agency head would be deemed acting outside his or her official capacity and would be subject to court enforcement.

The second problem involves compelling testimony from individuals who have been given immunity from criminal prosecution by Congress. In the past, some individuals granted immunity have refused to provide testimony in any setting other than a congressional hearing, because the relevant statute, 18 U.S.C. 6005, is limited to appearances "before" a committee, while the comparable judicial immunity statute, 18 U.S.C. 6003, applies to appearances "before or ancillary to" court and grand jury proceedings.

The bill would reword the congressional immunity statute to parallel the judicial immunity statute, and make it clear that Congress can grant immunity and compel testimony not only in committee hearings, but also in depositions conducted by committee members or committee staff. This provision, like the proceeding one, would improve the Senate's ability to compel truthful testimony and obtain requested documents. It would also bring greater consistency across the government in how immunized witnesses may be questioned. Again, both provisions were passed the Senate by unanimous consent once before.

Provisions to bar false statements and compel truthful testimony have been on the Federal statute books for 40 years or more. Recent court decisions and events have eroded the usefulness of some of these provisions as they apply to the courts and Congress. The bill before you is a bipartisan effort to redress some of the imbalances that have arisen among the branches in these areas. I urge you to join Senator SPECTER, myself, and our cosponsors in supporting swift passage of this important legislation.•

By Mr. PRESSLER (for himself, Mr. BRYAN, Mr. WARNER, Mr. BURNS, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. AKAKA, Mr. COVERDELL, and Mr. JOHNSTON):

S. 1735. A bill to establish the U.S. Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States; to the Committee on Commerce, Science, and Transportation.

THE U.S. TOURISM ORGANIZATION ACT

Mr. PRESSLER. Mr. President, the travel and tourism industry is the second most productive in the world. In the United States, the tourism industry employs more than 6.3 million people—making it the second largest employer in the country.

Unfortunately, the United States is no longer the No. 1 tourist destination. As other nations have recognized the economic potential of tourism, the United States has allowed itself to fall behind. We must reverse this trend.

This week we celebrate National Tourism Week. To commemorate the important contributions of this great industry, I am introducing a bill to stimulate U.S. tourism. I plan to make it a major priority, as chairman of the Committee on Commerce, Science, and Transportation—and as cochair of the Senate Tourism Caucus—and as the Senator from one of the finest tourist destinations on Earth. My bill gives Federal charter to a new U.S. Tourism Organization—a nonprofit, nongovernmental group to promote U.S. tourism, both in this country and abroad.

Mr. President, this organization would be put together entirely through private-sector initiatives. It is designed as a public-private partnership—not an expensive new Government program. My bill would allow the U.S. Tourism Organization to raise funds through the development and sale of a tourism logo or emblem—much as is done today by the U.S. Olympic Committee. In addition, for an annual fee, American businesses could become members of the U.S. Tourism Organization. Membership would allow use of the logo for advertising and promotional efforts. Not only would this boost individual businesses, it also would advance the tourism industry as a whole.

My bill also would implement a national tourism strategy so that the United States can once again be the No. 1 tourist destination in the world. This is of critical importance to places like my home State of South Dakota.

In South Dakota, we depend upon our average tourism revenues of $1.24 billion. In fact, tourism is second only to agriculture as the most lucrative industry in South Dakota.

Ask anyone in Washington and they will tell you I am South Dakota's No. 1 travel agent.

Whether it is Sturgis Motorcycle Rally, where I enjoy riding my Harley

Davidson Softtail, a trip to Laura Ingalls Wilder's home in DeSmet, or the Prairie Dog Hunt in Winner—I am always looking for ways to promote South Dakota as a tourist destination.

Incidentally, I was able to ride my Harley in the beautiful Black Hills of South Dakota this weekend. I am leading a group of 600 motorcyclists there in 2 weeks. The Sturgis bike rally is one of the major events in the Nation—South Dakota really is a major tourist destination.

Visitors to my Washington office frequently ask about the beautiful panorama of Mount Rushmore which hangs in my reception area. Set in the heart of the Black Hills National Forest, the memorial is a shrine of American Presidential heroes: George Washington, Father of the Nation; Thomas Jefferson, author of the Declaration of Independence; Theodore Roosevelt, conservationist and trustbuster; and Abraham Lincoln, the great emancipator and preserver of the Union. More than 65 years after its conception, Mount Rushmore is still one of the most powerful symbols of America's democracy.

In my office, I also have a sign letting guests know that the infamous Wall Drug in Wall, SD is only 1,523 miles away. The store survived the Great Depression by serving free ice water to travelers. Today, Wall Drug boasts a restaurant, art gallery, gift shops, and of course, the drug store that started it all. I might add, the ice water is still free.

As part of my more official efforts, I recently wrote to every foreign ambassador in Washington encouraging them to promote South Dakota as a tourist destination. Not long after receiving my letter, the Ambassador from Austria visited South Dakota. I understand he enjoyed his visit very much. Foreign visitors are becoming our fastest growing tourist population. We welcome them.

The bill I am introducing today is designed to make it easier for foreign visitors to plan a trip to South Dakota. Among the many duties of the U.S. Tourist Organization is the development of a national travel and tourism strategy aimed at increasing foreign tourism in the United States.

I want the organization to aim at high technology. Earlier this year we passed the Telecommunications Act of 1996. This new law will unleash whole generations of communications technology. When I introduced the bill that became that law, I said the technology it would spur would benefit a wide variety of industries. This is a prime example. With technologies such as the World Wide Web, information on U.S. tourism can be made available to all corners of the globe.

Austrians could learn about the world-class Shrine to Music Museum in Vermillion. Kenyan safari hunters would be able find out when hunting season is in Redfield—the Pheasant Capital of the world. Dogsledders in the Yukon may want to try out the snowmobile trails of the Black Hills National Forest.

The use of the latest developments in communications technology could promote destinations like the city of Deadwood—one of the fastest growing tourist destinations in South Dakota. Deadwood's Main Street is lined with old-fashioned saloons and gaming halls—inspiring memories of the 1890's gold rush. You can still visit Saloon No. 10 where Wild Bill Hickock was shot—making famous his poker hand of aces and eights, the Deadman's hand.

Other legendary sites in South Dakota also would benefit. Near Garretson, SD lies Devil's Gulch—a deep rocky chasm, made famous by Jesse James. As you stand and look across Devil's Gulch, you can almost imagine Jesse's cry when, being chased by the law, he spurred his horse to leap across the 20-foot wide, 50-foot deep chasm and rode to freedom.

Of course, once the destination is decided, visitors would want to book accommodations, and arrange transportation and tour guides. However, in South Dakota, we have many small businesses which might not have the advertising budgets of the larger tours and resorts.

My bill is designed to promote all U.S. tourism interests—including both large and small business operations. To ensure this, the U.S. Tourism Organization would have a National Tourism Board, with 45 members, each representing a different aspect of the travel and tourism industry—from transportation, to accommodations, from dining and entertainment, to tour guides.

This provision would be particularly helpful to small business owners in South Dakota like Al Johnson who runs the Palmer Gulch Resort near Hill City. Or for Alfred Mueller, owner of Al's Oasis in Chamberlain—the famous home of the buffaloburger.

The U.S. Tourism Organization would partner the Federal Government with the men and women who are the tourism industry. This type of public-private partnership was discussed by South Dakotans like Vince Coyle, of Deadwood, and Julie Jensen, of Rapid City, when they attended the White House conference on tourism. Working together, we can make tourism the new key to this country's economic success.

This is our opportunity to forge ahead. There is no reason the U.S. travel and tourism should be relegated to the backseat any longer. I urge my colleagues to join me in the effort to once again make the United States the top tourist destination in the world.

With that, Mr. President, I send to the desk a bill to establish the U.S. Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

Mr. President, I see my colleague, Senator WARNER of Virginia, on the floor.

He is a champion of tourism. He has been a leader in the tourism industry since we came to the Senate together in 1978. I am proud he is joining in this effort to lead the charge to work for this bill's passage. We know that in the Department of Commerce and especially in the Undersecretary for Tourism's office there have been cutbacks. But this provides us with a vehicle to accomplish our goal to promote tourism, a vehicle of using public-private partnership. This is the spirit and the genius of free enterprise in our country. Senator WARNER has been at the forefront of that legislation, and I salute him, and I welcome him to help lead this charge.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, and I yield the floor to my friend from Virginia.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Tourism Organization Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the travel and tourism industry is the second largest retail or service industry in the United States, and travel and tourism services ranked as the largest United States export in 1995, generating an $18.6 billion trade surplus for the United States;

(2) domestic and international travel and tourism expenditures totaled $433 billion in 1995, $415 billion spent directly within the United States and an additional $18 billion spent by international travelers on United States flag carriers traveling to the United States;

(3) direct travel and tourism receipts make up 6 percent of the United States gross domestic product;

(4) in 1994 the travel and tourism industry was the nation's second largest employer, directly responsible for 6.3 million jobs and indirectly responsible for another 8 million jobs;

(5) employment in major sectors of the travel industry is expected to increase 35 percent by the year 2005;

(6) 99.7 percent of travel businesses are defined by the federal government as small businesses; and

(7) the White House Conference on Travel and Tourism in 1995 brought together 1,700 travel and tourism industry executives from across the nation and called for the establishment, by federal charter, of a new national tourism organization to promote international tourism to all parts of the United States.

SEC. 3. UNITED STATES TOURISM ORGANIZATION.

(a) ESTABLISHMENT.—There is established with a Federal charter, the United States Tourism Organization (hereafter in this Act referred to as the "Organization"). The Organization shall be a nonprofit organization. The Organization shall maintain its principal offices and national headquarters in

the city of Washington, District of Columbia, and may hold its annual and special meetings in such places as the Organization shall determine.

(b) ORGANIZATION NOT A FEDERAL AGENCY.—Notwithstanding any other provision of the law, the Organization shall not be considered a Federal agency for the purposes of civil service laws or any other provision of Federal law governing the operation of Federal agencies, including personnel or budgetary matters relating to Federal agencies. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Organization or any entities within the Organization.

(c) DUTIES.—The Organization shall—

(1) facilitate the development and use of public-private partnerships for travel and tourism policymaking;

(2) seek to, and work for, an increase in the share of the United States in the global tourism market;

(3) implement the national travel and tourism strategy developed by the National Tourism Board under section 4;

(4) operate travel and tourism promotion programs outside the United States in partnership with the travel and tourism industry in the United States;

(5) establish a travel-tourism data bank and, through that data bank collect and disseminate international market data:

(6) conduct market research necessary for the effective promotion of the travel and tourism market; and

(7) promote United States travel and tourism.

(d) POWERS.—The Organization—

(1) shall have perpetual succession;

(2) shall represent the United States in its relations with international tourism agencies;

(3) may sue and be sued;

(4) may make contracts;

(5) may acquire, hold, and dispose of real and personal property as may be necessary for its corporate purposes;

(6) may accept gifts, legacies, and devices in furtherance of its corporate purposes;

(7) may provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purpose of the corporation;

(8) may adopt and alter a corporate seal;

(9) may establish and maintain offices for the conduct of the affairs of the Organization;

(10) may publish a newspaper, magazine, or other publication consistent with its corporate purposes;

(11) may do any and all acts and things necessary and proper to carry out the purposes of the Organization; and

(12) may adopt and amend a constitution and bylaws not inconsistent with the laws of the United States or of any State, except that the Organization may amend its constitution only if it—

(A) publishes in its principal publication a general notice of the proposed alteration of the constitution, including the substantive terms of the alteration, the time and place of the Organization's regular meeting at which the alteration is to be decided, and a provision informing interested persons that they may submit materials as authorized in subparagraph (B); and

(B) gives to all interested persons, prior to the adoption of any amendment, an opportunity to submit written data, views, or arguments concerning the proposed amendment for a period of at least 60 days after the date of publication of the notice.

(e) NONPOLITICAL NATURE OF THE ORGANIZATION.—The Organization shall be nonpolitical and shall not promote the candidacy of any person seeking public office.

(f) PROHIBITION AGAINST ISSUANCE OF STOCK OR BUSINESS ACTIVITIES.—The Organization shall have no power to issue capital stock or to engage in business for pecuniary profit or gain.

SEC. 4. NATIONAL TOURISM BOARD.

(a) ESTABLISHMENT.—The Organization shall be governed by a Board of Directors known as the National Tourism Board (hereinafter in this Act referred to as the "Board").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Board shall be composed of 45 members, and shall be self-perpetuating. Initial members shall be appointed as provided in paragraph (2). The Board shall elect a chair from among its members.

(2) FOUNDING MEMBERS.—The founding members of the Board shall be appointed, or elected, as follows:

(A) The Under Secretary of Commerce for International Trade Administration shall serve as a member ex officio.

(B) 5 State Travel Directors elected by the National Council of State Travel Directors.

(C) 5 members elected by the International Association of Convention and Visitor Bureaus.

(D) 3 members elected by the Air Transport Assocation.

(E) 1 member elected by the National Assocation of Recreational Vehicle Parks and Campgrounds; 1 member elected by the Recreation Vehicle Industry Association.

(F) 2 members elected by the International Association of Amusement Parks and Attractions.

(G) 3 members appointed by major companies in the travel payments industry.

(H) 5 members elected by the American Hotel and Motel Association.

(I) 2 members elected by the American Car Rental Association; 1 member elected by the American Automobile Association; 1 member elected by the American Bus Association; 1 member elected by Amtrak.

(J) 1 member elected by the National Tour Association; 1 member elected by the United States Tour Operators Association.

(K) 1 member elected by the Cruise Lines International Association; 1 member elected by the National Restaurant Association; 1 member elected by the National Park Hospitality Association; 1 member elected by the Airports Council International; 1 member elected by the Meeting Planners International; 1 member elected by the American Sightseeing International; 4 members elected by the Travel Industry Association of America.

(3) TERMS.—Terms of Board members and of the Chair shall be determined by the Board and made part of the Organization bylaws.

(c) DUTIES OF THE BOARD.—The Board shall—

(1) develop a national travel and tourism strategy for increasing tourism to and within the United States; and

(2) advise the President, the Congress, and members of the travel and tourism industry concerning the implementation of the national strategy referred to in paragraph (1) and other matters that affect travel and tourism.

(d) AUTHORITY.—The Board is hereby authorized to meet to complete the organization of the Organization by the adoption of a constitution and bylaws, and by doing all things necessary to carry into effect the provisions of this Act.

(e) INITIAL MEETINGS.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall have its first meeting.

(f) MEETINGS.—The Board shall meet at the call of the Chair, but not less frequently than semiannually.

(g) COMPENSATION AND EXPENSES.—The chairman and members of the Board shall serve without compensation but may be compensated for expenses incurred in carrying out the duties of the Board.

(h) TESTIMONY, REPORTS, AND SUPPORT.—The Board may present testimony to the President, to the Congress, and to the legislatures of the State and issue reports on its findings and recommendations.

SEC. 5. SYMBOLS, EMBLEMS, TRADEMARKS, AND NAMES.

(a) IN GENERAL.—The Organization shall provide for the design of such symbols, emblems, trademarks, and names as may be appropriate and shall take all action necessary to protect and regulate the use of such symbols, emblems, trademark, and names under law.

(b) UNAUTHORIZED USE; CIVIL ACTION.—Any person who, without the consent of the Organization, uses—

(1) the symbol of the Organization;

(2) the emblem of the Organization;

(3) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the Organization; or

(4) the words "United States Tourism Organization", or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Organization or any Organization activity;

for the purpose of trade, to induce the sale of any goods or services, or to promote any exhibition shall be subject to suit in a civil action brought in the appropriate court by the Organization for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1501 et seq.), popularly known as the Trademark Act of 1946. Paragraph (4) of this subsection shall not be construed to prohibit any person who, before the date of enactment of this Act, actually used the words "United States Tourism Organization" for any lawful purpose from continuing such lawful use for the same purpose and for the same goods and services.

(c) CONTRIBUTORS AND SUPPLIERS.—The Organization may authorize contributors and suppliers of goods and services to use the trade name of the Organization as well as any trademark, symbol, insignia, or emblem of the Organization in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Organization.

(d) EXCLUSIVE RIGHT OF THE ORGANIZATION.—The Organization shall have exclusive right to use the name "United States Tourism Organization", the symbol described in subsection (b)(1), the emblem described in subsection (b)(2), and the words "United States Tourism Organization", or any combination thereof, subject to the use reserved by the second sentence of subsection (b).

SEC. 6. UNITED STATES GOVERNMENT COOPERATION.

(a) SECRETARY OF STATE.—The Secretary of State shall—

(1) place a high priority on implementing recommendations by the Organization; and

(2) cooperate with the Organization in carrying out its duties.

(b) DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.—The Director of the United States Information Agency shall—

(1) place a high priority on implementing recommendations by the Organization; and

(2) cooperate with the Organization in carrying out its duties.

(c) TRADE PROMOTION COORDINATING COMMITTEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) by striking out "and" at the end of subsection (c)(4);

(2) by striking the period at the end of subsection (c)(5) and inserting a semicolon and the word "and";

(3) by adding at the end thereof the following:

"(6) reflect recommendations by the National Tourism Board established under the United States Tourism Organization Act." and

(2) in paragraph (d)(1) by striking "and" in subparagraph (L), by redesignating subparagraph (M) as subparagraph (N), and by inserting the following:

"(M) the Chairman of the Board of the United States Tourism Organization, as established under the United States Tourism Organization Act; and".

SEC. 7. SUNSET.

If, by the date that is 2 years after the date of incorporation of the Organization, a plan for the long-term financing of the Organization has not been implemented, the Organization and the Board shall terminate.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from South Dakota for his kind remarks. Indeed, I had earlier this year, in March, introduced S. 1623, a bill which in many respects has been incorporated, with my concurrence, in the bill that has just been sent to the desk, on which I am a principal cosponsor, as the Senator from South Dakota stated.

The Senator from South Dakota is the chairman of the Commerce Committee, which is the committee of primary jurisdiction for this issue. I think it is most proper that he take the lead, and I am happy to join him. I at this time urge that the 19 cosponsors—I was privileged to get 19 cosponsors on my bill—now direct their attention to this bill which will be the principal focal point for the deliberations in the committee as well as in this Chamber regarding this important subject.

It is very interesting that it is just 20 years ago that I began to take my, should we say, initial course in the importance of tourism. At that time, I was privileged to serve the President of the United States and, indeed, the Congress as the director of the Nation's bicentennial Federal effort. It quickly came to my attention, as it did to all involved in the bicentennial of the United States, that it would be a focal point that would draw visitors from all over the world. Indeed, it did. Millions and millions of people came from all over the world. In the years thereafter, those who could not come during, let us say, the years 1975–76, which was sort of the peak of the centennial—July 4, 1976, was the focal point—came years after because of the goodwill, the interest that was created by that celebration here in the United States.

It was my role to see that each of the States had equal opportunity, each of the villages and towns all across America had an equal opportunity to participate. If I may say, I was proud to, in many respects, keep the Federal effort down so it was not competitive with the creativity that took place all across our great land and also saved the taxpayers' dollars.

I might add that there was a small Federal administration created of which I was the head. We did our job, closed our doors and turned back to the Federal Treasury a considerable portion of the revenue that we had generated primarily through the sale of coins and other items with the national logo affixed thereto.

In the years I have been privileged to serve in the Senate, time and time again—indeed, initiated under Republican Presidents—was the effort to cut back the participation of the United States in facilitating tourism here in the United States with visitors from abroad. I resisted those efforts successfully for a number of years, but now, in this important era of our change of philosophy, namely, to let us move towards less Government and less Government spending, we accept the fact that the Federal Government is going to take a lesser role, and the purpose of this act is to try to pick up some of those responsibilities by the private sector at no cost to the taxpayers.

Therefore, I think it is important that all begin to give greater focus to travel and tourism in our Nation. Tourism means jobs, and that is the single most important thing in America today, in my judgment. As I travel about my State, there is the anxiety over jobs. It is job security that concerns not just the wage earner, or, in many instances, two wage earners in the family, but the whole family right on down to the children.

This is a means to create superb quality jobs at all levels, and it needs our support. Whether it be at the hotels, airlines, restaurants, campgrounds, amusement parks, or things that interest me and always have, the historical sites all across our great land, tourism works, and it works well.

Today marks National Tourist Appreciation Day during National Tourism Week. It is a small tribute to this job-impacted industry, which is the second leading provider of jobs in this Nation—just stop to think, the second leading provider of jobs in this country—and the third largest retail industry, giving the United States a $21 billion trade surplus.

Last year, visitors from abroad brought approximately $80 billion—let me repeat that—last year visitors coming to our United States from all over the world brought $80 billion to the U.S. economy, which is one-fifth of the total $400 billion provided to the economy by the travel and tourism industry.

Mr. PRESSLER. Will my friend yield for a question?

Mr. WARNER. Yes.

Mr. PRESSLER. I again commend my friend from Virginia for his great leadership. I think he found, in getting cosponsors for his original bill, there is bipartisan support for this. And I see our friend, Senator DICK BRYAN, who has done such an outstanding job on tourism and travel matters on his side of the aisle. He also has led the charge on tourism and supports this bill. Is it not true that my friend found great bipartisan support?

Mr. WARNER. Mr. President, very definitely. It is absolutely bipartisan support on this measure, and that is why I am very much encouraged that this bill will be very promptly addressed by the Senate and passed.

I hasten to add that while we got $80 billion last year, it is slipping. The number of persons coming to our shores is going down, going down, in my judgment, because we do not have the adequate funds to project the message beyond our shores—come, come share with us in this magnificent land of ours. And that is the purpose of this bill.

For the past several years, the United States' share of the international travel market has declined. Last year, 2 million fewer foreign visitors came to our shores and to visit our land. That was a 19-percent decline. This translated into 177,000 fewer travel-related jobs in our Nation.

Let us join in this legislation to reverse this decline. We need to attract more international tourists and enhance the travel experience of both domestic and international travelers. The United States must remain the destination of choice for world travelers.

I am pleased to join with my colleague from South Dakota in introducing the United States Tourism Organization Act. The bill builds on the foundation of support in Congress and in the industry established by S. 1623, the measure that I introduced in March, the Travel and Tourism Partnership Act. With the elimination of the U.S. Travel and Tourism Administration—that is the Federal role, which understandably, as Government shrinks, can no longer serve in this purpose—the United States, our Nation, will become the only major developed nation without a Federal tourism office.

We need a national strategy to maintain and increase our share of the global travel market. Other nations pour money, their tax dollars, into marketing, attempting to lure tourists to their shores, and they are doing so in a way that is taking them away from our United States. Our legislation will provide the tools with which the United States can better compete with these

nations. We can counter these foreign promotion dollars with a combination of technical assistance from the Federal Government and financial assistance from the private sector.

This legislation will create a true public-private partnership between the travel and tourism industry and the public sector to effectively promote international travel to the United States. It supplants the big Government, top-down bureaucracy which was eliminated with the U.S. Travel and Tourism Administration. This bill establishes a Federal charter for a privately funded, nonprofit organization tasked with facilitating the development of increasing the United States share of the global tourism market. The travel tourism data bank will collect international market data for dissemination to the travel and tourism industry. It is my hope that the final bill will incorporate the technical assistance provisions that we included in S. 1623. The U.S. Tourism Organization will represent the United States in its relations with world tourism, and with other international agencies, and will be governed by the national tourism board.

This bill does not cost the taxpayer a nickel. No Federal funding is associated with the legislation. The bill includes a sunset provision which directs the U.S. Tourism Organization to develop a long-term financing plan within 2 years, encouraging ongoing industry support for its promotion efforts.

Travel industry leaders from around the Nation enthusiastically endorse the plan embodied in this bill. Let me just pause on that. This bill is a direct result of tremendous support all across the tourism industry. So it is a joint effort at the very inception with those of us in the legislative branch and those in the private sector.

The White House Conference on Travel and Tourism supported this amendment. Together, through the collective talent of both the organization and the board of directors, it is my hope that America will once again launch itself into the international tourism market and be a strong competitor, as it has been in years previously, again creating jobs here in our United States.

I encourage all 19 of my colleagues who supported S. 1623, the Travel and Tourism Partnership Act, which I introduced in March, to join in this initiative.

The Senator from South Dakota extolled, quite properly, the virtues of his State. I will not take time here today to extol the virtues of Virginia. But we are proud to be known as the Mother of Presidents. So much of the early history of our Nation, particularly the formation of the Government, devolved upon Virginians, to bring forth the ideas that we cherish today. Indeed, the very manual that rests on the President's desk is derivative of Mr. Jefferson's teachings years ago.

So Virginia will take second place to none. But I think in fairness we are here today to concentrate on this legislation. Indeed, our Governor, with the help of his lovely wife, is spending a great deal of time on the subject of tourism today, recognizing how important it is to the economy of our State. But it is also important that our State be understood all across America, particularly in the educational process, as to how it had a major role in the development of our Government today.

Mr. President, I yield the floor. I commend the distinguished Senator about to speak for his participation in this bill, Senator BRYAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, I thank my friend, the distinguished senior Senator from Virginia, Mr. WARNER, and the committee chairman, Senator PRESSLER, Senator HOLLINGS, Senator INOUYE, Senator FORD, Senator KERRY, Senator BREAUX, Senator DORGAN, Senator AKAKA, and Senator JOHNSTON for their leadership in introducing this bill which is the United States Tourism Organization Act.

Let me say, parenthetically, I hail from a State where tourism is far and above our largest single economic industry. It is the mainstream, the main spring for an economy which has grown more rapidly than any economy in America, added more new jobs, enjoys more economic growth and vitality. The southern part of the State, Las Vegas, will soon have 100,000 hotel rooms. That is larger than any city, not only in America, but in the world. And several new properties are on the drawing boards.

So tourism is something we understand in Nevada. From my former capacity as the chief executive of Nevada, I know that we work at the State level to establish the public-private partnership that my colleagues have alluded to earlier this afternoon in their remarks on the floor. So I am delighted to work with them in fashioning this piece of legislation.

Travel and tourism has been one of our country's great success stories. Tourism is the second largest employer in our Nation after health care. It employs, either directly or indirectly, 13 million Americans and has created jobs at more than twice the national average.

Travel and tourism generated $417 billion spending in 1994. International visitor spending accounted for $77 billion in foreign exchange, making it America's largest export.

Tourism generated a $22 billion net surplus in our trade balance. The opportunity that we have is ever so promising because international tourism is the most rapidly growing sector in the tourism market. By the year 2000, 4 years from now, more than 661 million people will be traveling throughout the world. That is twice as many people as traveled just a little more than a decade ago, in 1985.

Unfortunately, even as we look forward to anticipate the good news of expanded international travel, we reflect upon the fact that America's share of the world's tourism market is declining. In 1983, the United States enjoyed almost 19 percent of the world's tourism receipts. That has declined to 15.6 percent this year and is expected to shrink to 13.8 percent by the end of this decade.

The loss in the U.S. share of the world tourism market can be translated into a significant impact on our trade deficit and employment—jobs, as the distinguished Senator from Virginia pointed out. If we were able to keep our world tourism share from shrinking, we would improve our trade balance by $28 billion and increase employment in America by 370,000 persons by the year 2000.

Those are significant numbers by any measure. Very few industries can shape our economy to this extent. Until a few months ago, the Federal Government funded a tourism program effort that ranked 23d in the world in terms of dollars spent, putting the United States behind such countries as Tunisia and Malaysia. While this effort fell far short of what should have been, it was a worthwhile effort that produced tangible effects.

Under the skillful leadership of the Under Secretary of Travel and Tourism, Greg Farmer, USTTA was an effective organization and helped to create a favorable impression of our country to foreign tourists.

Although this bill enjoyed strong bipartisan support in the continuation of the agency for a transitional year, it was supported in the Senate; we had strong bipartisan support of Senator BURNS and Senator MCCONNELL. Unfortunately, in the House the action of the chairman of the House Appropriations Committee killed this minimal effort and left our country without any international tourism promotion, while at the same time our international competitors have impressive international tourism efforts, trying to entice America and other countries' citizens to visit their countries. The United States, as a result of this action, was unilaterally disarmed in the competition for international travel markets.

This was a bad decision, when we consider the great opportunities that we have to encourage visitors to this country this summer. As the distinguished occupant of the chair knows, we have, in an adjacent State to his own, the summer Olympic Games in Atlanta; an opportunity for people from around the world to stay and not only visit the Olympic Games but to see other parts of our country as well.

While the effort to continue the USTTA for the transitional year, as I have indicated, was unsuccessful—and I opposed what I considered a myopic approach—nevertheless, we do have an opportunity to recover. Last October the White House hosted the first ever White House Conference on Travel and Tourism. That conference came up with a series of recommendations from all segments of the tourism industry on how to improve our promotional efforts as a country.

Most significant was the recommendation to establish a public-private partnership for tourism promotion, and it is this legislation that traces its origins to the White House conference, generated by a broad sector of the tourism industry, that we embody in the legislation that we introduce today.

This legislation establishes, by a Federal charter, the U.S. Tourism Organization. The organization shall be nonprofit and shall implement the national travel and tourism strategy, operate travel and tourism promotion outside the United States, establish a travel and tourism data bank to collect and disseminate international market data and to conduct market research for the effective promotion of U.S. tourism.

The organization shall be governed by a board of directors which shall have 45 members and be known as the national tourism board, representing a broad and diverse cross-section of various public and private-sector tourism entities.

The tourism industry strongly supports this legislation. We are counting on them to turn this into a successful organization.

This legislation, incorporating a public-private sector partnership, is a model for how Government, industry, and labor should cooperate in promoting our national efforts. I hope we can swiftly pass this legislation and send it to the President so we can get on with our efforts to encourage more travel and tourism from abroad to the United States.

Mr. STEVENS. Mr. President, I have come to the floor today to speak briefly in support of S. 1735, a bill that will establish an independent U.S. Tourism Organization.

I am supportive, particularly, of the structure of the bill that Senator PRESSLER has put together. I want to commend him and the staff of the Commerce Committee for their hard work. They have fashioned a bill that has gotten strong bipartisan support here in the Senate.

We used the 1950 act that incorporates the U.S. Olympic Committee [USOC] as a model for this bill. That act was greatly expanded upon by the Amateur Sports Act of 1978 [ASA], and the concepts in S. 1735 draw much from the ASA.

The primary goal of the ASA was to create a strong, central authority to serve amateur athletics.

We are now creating a strong, central authority for the tourism industry, which will be called the U.S. Tourism Organization [USTO].

The USTO would have many of the same duties and powers as provided in the Amateur Sports Act for the U.S. Olympic Committee, including the authority to represent the United States internationally with respect to tourism and to adopt a constitution and bylaws. Like the U.S. Olympic Committee, the U.S. Tourism Organization would be required to be nonpolitical.

S. 1735 would specify the founding members of a board of directors for the U.S. Tourism Organization.

As with the ASA, S. 1735 would grant the USTO the authority to design appropriate symbols, emblems, trademarks, and names, and would make it a violation of the Trademark Act of 1946 for any person to use these without the consent of the USTO.

The Olympic Committee's ability to raise funds for its operations is almost entirely related to its exclusive rights under the ASA to Olympic symbols, and we hope the exclusive use of these will work as for the new USTO.

Significantly, as with the U.S. Olympic Committee, no Federal funding is associated with this legislation. This is an industry-funded and industry-directed initiative.

Supporting over 14 million jobs directly and indirectly, the travel and tourism industry is America's second largest employer. It is the third largest retail industry, generating an estimated $430 billion in expenditures. And it is good for State, local, and Federal Government, generating almost $60 billion a year in Federal, State, and local taxes.

Tourism is extremely important to my State of Alaska. Over 1 million people will visit Alaska this year; that's more visitors than there are State residents.

Tourists, both domestic and international, support 22,000 jobs in Alaska and $523 million in payroll. This year, tourists will spend $1.2 billion in my State.

I support this legislation, which would create the foundations of a strong, independent entity to promote travel and tourism in the United States. I urge my colleagues to support this bill.

By Mr. STEVENS:

S. 1736. A bill for the relief of Staff Sergeant Charles Raymond Stewart and Cynthia M. Stewart of Anchorage, Alaska, and their minor son, Jeff Christopher Stewart; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. STEVENS. Mr. President, today I am introducing a private bill for a young Alaskan, Jeff Stewart. Jeff's father, Charles Stewart was a staff sergeant stationed in Germany in 1992. Jeff and his brother were playing when Jeff fell and fractured his hip. Jeff was taken to the Langstuhl Army Hospital's emergency room where an Army physician failed to diagnose his fractured hip. Jeff was sent home for bed rest. Two days later Jeff's mother took Jeff to the Air Force clinic at Ramstein Air Base because Jeff was still in intense pain. At Ramstein, Jeff was seen by an Air Force physician who also failed to diagnose his fractured hip and sent Jeff home for bed rest. Six days later Jeff's parents took him back to Ramstein where an Air Force nurse diagnosed his fractured hip.

Unfortunately, this diagnosis was too late to prevent permanent injury to Jeff. Jeff must now face a painful hip replacement operation every 7 to 10 years for the rest of his life.

My bill will not automatically compensate Jeff and his family; rather, it will allow them to bring suit in a U.S. court as they would have had a right to do if the treatment had occurred in the United States. Nor is this bill meant to infer negligence on the part of the United States or the military doctors that treated Jeff Stewart; rather it will give Jeff and his family the opportunity to explain their case to a judge who can make the final decision as to whether or not Jeff should be compensated.

By Mr. BUMPERS:

S. 1737. A bill to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River, and the Absaroka-Beartooth Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE YELLOWSTONE PROTECTION ACT OF 1996

Mr. BUMPERS. Mr. President, I rise to introduce a bill dealing with a proposed gold, silver, and copper mine to be operated by the Crown Butte Mining Co., a wholly-owned subsidiary of two Canadian companies, 2½ miles north of Yellowstone National Park.

They also propose to construct a 72-acre impoundment area with a dam that would be somewhere between 75 and 100 feet high, which would have a plastic lining on the bottom and some sort of a cap on top to keep oxygen away from the 5.5 million tons of tailings from the mining operation that would go into this impoundment area. The purpose of keeping the oxygen away from it is to keep the waste from turning into sulfuric acid.

The President of the United States flew over this area last summer and promptly thereafter, by Executive order, withdrew 19,100 acres of land in the Gallatin and Custer National Forests in Montana.

The President has the authority to segregate public lands, subject to valid

existing rights, and keep that land from being used for mining purposes for a period of 2 years. Then the Secretary of the Interior has the right, pursuant to the Federal Lands Policy Management Act, to withdraw that land for 20 years.

My bill would prevent approximately 24,000 acres of Federal land in the area from being used for mining, subject to valid existing rights. My bill admittedly cannot legally stop Crown Butte from proceeding with the mine, assuming the proposed mine meets all of the environmental requirements. My bill and the President's action before my bill are designed to discourage them and dissuade them from doing it. I hope that Crown Butte, as good corporate citizens, will not force the issue and leave us to wonder whether or not this 5.5 million tons of tailings that they propose to impound there could possibly break loose and pollute Clarks Fork and Soda Butte Creek, which flows right into Yellowstone National Park.

The American Rivers Association has listed, for the last 3 years, the Clarks Fork of the Yellowstone River as the most threatened river in America. The World Heritage Convention, which consists of more than 135 nations that collaborate on what they consider to be sites of international significance, has declared Yellowstone National Park as endangered because of the proposed mine.

All of that does not have to tell us anything. I went to Yellowstone when I was 12 years old—breathtaking. I never forgot any part of it, the geysers, the magnificent waterfalls—all of it. Here is the first national park in America, Yellowstone, a crown jewel. To allow a mining company, in the interest of extracting $500 million to $700 million worth of gold, silver and copper, to threaten to destroy the first national park in America, one of the real crown jewels of the world, not just America, is absolutely unacceptable.

From a purely philosophical standpoint, I am an unrepentant environmentalist. I have not always been, because I never fully understood it until I came to the Senate. But I have come to the conclusion that if something is going to cause a lot of economic dislocation, cost a lot of jobs, and the environmental damage is temporary and can be fully, 100 percent mitigated, there are instances when that might be acceptable. But any time you cannot conclusively show that the environmental damage you are about to do cannot be mitigated, cannot be reversed, that is a no brainer to this Senator. While Crown Butte says that their impoundment area is a state-of-the-art method of impounding these horrible, environmentally devastating tailings from that gold operation, that is a no brainer for us not to do everything we can to stop it.

The American people share many heartfelt values. None is greater than the protection of our environment. Last year, when these savage assaults on the environment were proposed, the American people were vocally opposed and 74 percent of the people said they did not want to turn the clock back on the environment.

So I hope I will attract both Democratic and Republican cosponsors to this bill, because I know the Republicans in the U.S. Senate, for the most part, are environmentalists. I know they share my concerns about the possible ecological disaster that awaits us if we do not do something to stop this mining operation from ever opening its doors so near to Yellowstone.

Mr. President, I ask unanimous consent the bill which I now send to the desk be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yellowstone Protection Act of 1996".

SEC. 2. FINDINGS.

(a) The Congress finds that—

(1) the superlative nature and scenic resources of the Yellowstone area led Congress in 1872 to establish Yellowstone National Park as the world's first national park;

(2) a 20.5 mile segment of the Clarks Fork of the Yellowstone River was designated in 1990 as a component of the National Wild and Scenic Rivers system, the only such designation within the State of Wyoming, in order to preserve and enhance the natural, scenic, and recreational resources of such segment;

(3) the Absaroka-Beartooth National Wilderness Area was designated in 1978 to protect the wilderness and ecological values of certain lands north and east of Yellowstone National Park;

(4) in recognition of its natural resource values and international significance, Yellowstone National Park was designated a World Heritage Site in 1978;

(5) past and ongoing mining practices have degraded the resource values of Henderson Mountain and adjacent lands upstream of Yellowstone National Park, the Absaroka-Beartooth National Wilderness Area and the Clarks Fork of the Yellowstone National Wild and Scenic River, and acid mine pollution and heavy metal contamination caused by such practices have polluted the headwater sources of Soda Butte Creek and the Lamar River, the Clarks Fork of the Yellowstone River and the Stillwater River;

(6) on September 1, 1995 approximately 19,100 acres of federal land upstream of Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth National Wilderness Area were segregated from entry under the general mining laws for a two-year period, in order to protect the watersheds within the drainages of the Clarks Fork of the Yellowstone River, Soda Butte Creek and the Stillwater River and to protect the water quality and fresh water fishery resources within Yellowstone National Park;

(7) because of proposed mineral development upstream of Yellowstone National Park, and other reasons, the World Heritage Committee added Yellowstone National Park to the "List of World Heritage in Danger" in December, 1995; and

(8) proposed mining activities in the area present a clear and present danger to the resource values of the area as well as those of Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth National Wilderness Area, and it is, therefore, in the public interest to protect these lands and rivers from such mining activities.

SEC. 3. PURPOSE.

The purpose of this Act is to make permanent the present temporary segregation of lands upstream of Yellowstone National Park, Absaroka-Beartooth National Wilderness Area and the Clarks Fork of the Yellowstone National Wild and Scenic River from entry under the general mining laws, restrict the use of certain federal lands, and to provide assurance that the exercise of valid existing mineral rights does not threaten the water quality, fisheries and other resource values of this area.

SEC. 4. AREA INCLUDED.

The area affected by this Act shall be comprised of approximately 24,000 acres of lands and interests in lands within the Gallatin and Custer National Forests as generally depicted on the map entitle "Yellowstone Protection Act of 1996". The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, D.C.

SEC. 5. MINERALS AND MINING.

(a) WITHDRAWAL.—After enactment of this Act, and subject to valid existing rights, the lands segregated from entry under the general mining laws pursuant to the order contained on page 45732 of the Federal Register (September 1, 1995) shall not be:

(1) open to location of mining claims under the general mining laws of the United States;

(2) available for leasing under the mineral leasing and geothermal leasing laws of the United States; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Material Act of 1947 (30 U.S.C. 601 et seq.).

(b) LIMITATION ON PATENT ISSUANCE.—Subject to valid existing rights, no patents under the general mining laws shall be issued for any claim located in the area described in section 4.

(c) PROHIBITION.—(1) Subject to valid existing rights, no federal lands within the area described in section 4 may be used in connection with any mining related activity, except for reclamation.

(2) Subject to valid existing rights, no federal department or agency shall assist by loan, grant, license or otherwise in the development or construction of cyanide heap- or vat-leach facilities, dams or other impoundment structures for the storage of mine tailing, work camps, power plants, electrical transmission lines, gravel or rock borrow pits or mills within the area described in section 4. However, nothing in this section shall limit reclamation.

(d) RECLAMATION.—Any mining or mining related activities occurring in the area described in section 4 shall be subject to operation and reclamation requirements established by the Secretary of Agriculture, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(e) MINING CLAIM VALIDITY REVIEWS.—The Secretary of Interior, in consultation with

the Secretary of Agriculture, shall complete within three years of the date of enactment of this Act, a review of the validity of all claims under the general mining laws within the area described in section 4. If a claim is determined to be invalid, the claim shall be immediately declared null and void.

(f) PLANS OF OPERATION.—(1) The Secretary of Agriculture shall not approve a plan of operation for mining activities within the area described in section 4 that threatens to pollute groundwater or surface water flowing into Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River or the Absaroka—Beartooth National Wilderness Area.

(2) Prior to granting an order approving a plan of operations for mining activities within the area described in section 4, the Secretary of Agriculture shall transmit the proposed plan of operation to the Secretary of Interior and the Administrator of the Environmental Protection Agency, and the Governors of Montana and Wyoming.

(3) Within 90 days of the date on which the proposed plan of operations is submitted for their review, the Secretary of Interior and the Administrator of the Environmental Protection Agency shall either (1) certify that the proposed plan of operation does not threaten to pollute groundwater or surface water flowing into Yellowstone National park, the Clarks Fork of the Yellowstone National Wild and Scenic River or the Absoraka-Beartooth National Wilderness Area or (2) make recommendations for any actions or conditions that would be necessary to obtain their certification that the proposed plan of operation will not threaten such pollution.

(4) The Secretary of Agriculture shall not approve a plan of operation unless (1) the Secretary of Interior and the Administrator of the Environmental Protection Agency provide the certification under subsection (f)(3) of this section or (2) the plan of operation is modified to adopt the recommendations made by them and (3) any comments submitted by the Governors of Montana and Wyoming are taken into account.

(5) The Secretary of Agriculture shall not approve a plan of operation for any mining activities within the area described in section 4 that requires the perpetual treatment of acid mine pollution of surface or groundwater resources.

(6) Prior to executing a final approval of the plan of operation, the Secretary of Agriculture shall transmit the proposed final plan to the President and Congress. The President and Congress shall have 6 months from the date of submittal to consider and review the final plan of operation, before the Secretary of Agriculture may execute any final approval of such plan.

By Mr. GRAMS:

S. 1738. A bill to provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

THE BOUNDARY WATERS CANOE AREA WILDERNESS ACCESSIBILITY AND PARTNERSHIP ACT OF 1996

Mr. GRAMS. Mr. President, I rise today to introduce legislation designed to resolve one of the longest and most heartfelt controversies in my home State of Minnesota: the future of the Boundary Waters Canoe Area Wilderness.

In 1978, 1 million acres in northern Minnesota were designated by Congress as our Nation's only lakeland-based Federal wilderness area.

This area was named the Boundary Waters Canoe Area Wilderness, or BWCAW.

Through this Federal designation, Congress rightfully acknowledged the need to protect the tremendous ecological and recreational resources existing within the BWCAW.

At the same time, however, Congress recognized that it was to be a multiple-use wilderness area, as first envisioned by Senator Hubert Humphrey back in 1964.

When Senator Humphrey included the region now known as the boundary waters in the National Wilderness System, he made that commitment to the people of Minnesota when he said "The Wilderness bill will not ban motorboats."

Respected preservationist Sigurd F. Olson reiterated Senator Humphrey's pledge, saying "Nothing in this act shall preclude the continuance within the area of already established use of motorboats."

In fact, it is safe to say that without those commitments to the people of Minnesota, it is doubtful whether this region would be a wilderness area today.

The 1978 legislation creating the boundary waters also included commitments allowing motorized uses of select lakes and portages.

Minnesotans were to be given reasonable access to recreation in the boundary waters. The region would be preserved as a national treasure that could be enjoyed by everyone.

But as time passed, those commitments were forgotten in Washington.

Since 1978, the people of northern Minnesota have been subjected to ever-increasing U.S. Forest Service regulations in the boundary waters.

Many in the area have seen their customs, cultures and traditions uprooted by federal regulations which have shut them out of the land they call home.

Definition changes and unreasonable permit restrictions are just a few of the administrative changes that have twisted the original intent of the boundary waters legislation, making the area less accessible for the people who live there.

This 18-year history of broken promises and creeping encroachment by the Federal Government has led to a region of our State being overtaken by Washington bureaucrats, their rules and regulations, and restrictions on public access and input.

It has turned the original boundary waters law on its head and prevented many of us from enjoying the same natural resources our mothers and fathers cared for over the years.

Enough is enough.

It is time to return to the original intent of the boundary waters legislation, to give the public access to the natural resources which surround them, and to give Minnesotans a say in how their land is managed. My legislation will do just that.

The Boundary Waters Canoe Area Wilderness Accessibility and Partnership Act is designed to achieve these goals with several modest, commonsense reforms.

First, it will allow the reinstatement of three motorized portages to assist in transporting boats between five lakes in the boundary waters region.

Prior to their closing in 1993, these portages were essential in transporting many of the elderly and disabled between motorized lakes in the BWCAW.

Because of the successful efforts of environmental extremists to close down the portages, these Minnesotans have found themselves unfairly shut out from the boundary waters because of their age or disability. Under my legislation, such discrimination will no longer be tolerated.

By reopening the portages, my bill will ensure that the boundary waters will be there for the enjoyment of all who visit, not just the young and strong.

Second, it will create a new Planning and Management Council charged with developing and monitoring a comprehensive management plan. This management council will consist of 11 members appointed by the Secretary of Agriculture and will include representatives from Federal, State, local, and tribal governments.

The management council will be authorized to create advisory councils made up of individuals representing civic, business, conservation, sportsperson, and citizen organizations.

All council meetings will be open to the public, who will be given opportunities to provide comment on agenda items. Minutes will be recorded at all meetings and made available for public inspection.

Under my legislation, public input will no longer be ignored—in fact, it will be encouraged as part of the management process.

Finally, my legislation will prohibit the Forest Service from issuing any additional regulations regarding the BWCAW between enactment of the bill and final approval of the management plan, except in cases of routine administration, law enforcement need, and emergencies.

All in all, the bill I introduce today is a modest and reasonable attempt to give back to the people one of their most basic rights: the freedom to enjoy our natural resources responsibly.

It comes as the result of two public field hearings in Minnesota, 9 hours of public testimony from 32 witnesses from Minnesota, and pages of documents, data, and public feedback.

It will increase public input and participation in the management of the

boundary waters, creating a partnership between the Government and the people of Minnesota. And it will ensure the protection of this national treasure for generations to come.

This legislation has been a long time coming. For nearly 20 years, the people of Minnesota have waited patiently for the Federal Government to act on their behalf. They should not have to wait any longer. We must move expeditiously to ensure that their rights—as prescribed within this measure—are no longer held hostage by overzealous regulators and administrators from Washington.

The people of northern Minnesota deserve to finally have their voices heard in the Halls of Congress. Today, we take that first step.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boundary Waters Canoe Area Wilderness Accessibility and Partnership Act of 1996".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Boundary Waters Canoe Area Wilderness, located amidst the scenic splendor of the Minnesota-Ontario border, is and always will be a unique lakeland-based Federal wilderness unit that serves as 1 of the Nation's great natural ecosystems;

(2) the Boundary Waters Canoe Area Wilderness is a special wilderness area dedicated to appropriate public access and use through recognized motorized and nonmotorized recreational activities under protections and commitments in the Wilderness Act (16 U.S.C. 1131 et seq.) and Public Law 95-495 (92 Stat. 1649);

(3) intergovernmental cooperation that respects and emphasizes the role of State, local, and tribal governments in land management decisionmaking processes is essential to optimize the preservation and development of social, historical, cultural, and recreational resources; and

(4) the national interest is served by—

(A) improving the management and protection of the Boundary Waters Canoe Area Wilderness;

(B) allowing Federal, State, local, and tribal governments to engage in an innovative management partnership in Federal land management decisionmaking processes; and

(C) ensuring adequate public access, enjoyment, and use of the Boundary Waters Canoe Area Wilderness through nonmotorized and limited motorized means.

SEC. 3. MANAGEMENT CHANGES.

(a) USE OF MOTORBOATS.—

(1) LAC LA CROIX.—Section 4(c)(1) of Public Law 95-495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended by inserting "Lac La Croix, Saint Louis County;" after "Saint Louis County;".

(2) BASSWOOD, BIRCH, AND SAGANAGA LAKES.—Section 4(c) of Public Law 95-495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended—

(A) in paragraph (1)—

(i) by striking "except that portion generally" and all that follows through "Washington Island" and inserting "Lake County; Birch, Lake County"; and

(ii) by striking ", except for that portion west of American Point"; and

(B) by striking paragraph (4).

(3) SEA GULL LAKE.—Section 4(c) of Public Law 95-495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended—

(A) in paragraph (2), by striking "that portion generally east of Threemile Island,"; and

(B) in paragraph (3), by striking "Sea Gull, Cook County, that portion generally west of Threemile Island, until January 1, 1999;".

(b) DEFINITION OF GUEST.—The second proviso of section 4(f) of Public Law 95-495 (92 Stat. 1651; 16 U.S.C. 1132 note) is amended—

(1) by inserting "day and overnight" after "lake homeowners and their";

(2) by inserting "who buy or rent goods and services" after "resort owners and their guests"; and

(3) by inserting "or chain of lakes" after "shall have access to that particular lake".

(c) MOTORIZED PORTAGES.—Section 4 of Public Law 95-495 (92 Stat. 1651; 16 U.S.C. 1132 note) is amended by striking subsection (g) and inserting the following:

"(g) MOTORIZED PORTAGES.—Nothing in this Act shall prevent the operation of motorized vehicles and associated equipment to assist in the transport of a boat across the portages from the Moose Lake chain to Basswood Lake, from Fall Lake to Basswood Lake, and from Lake Vermilion to Trout Lake.".

SEC. 4. PLANNING AND MANAGEMENT COUNCIL.

Section 4 of Public Law 95-495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended by adding at the end the following:

"(j) PLANNING AND MANAGEMENT COUNCIL.—

"(1) ESTABLISHMENT.—There is established the Boundary Waters Canoe Area Wilderness Intergovernmental Council (referred to in this Act as the 'Council').

"(2) DUTIES OF THE COUNCIL.—The Council shall develop and monitor a comprehensive management plan for the wilderness in accordance with section 20.

"(3) MEMBERSHIP.—The Council shall be composed of 11 members, appointed by the Secretary, of whom—

"(A) 1 member shall be the Under Secretary for Natural Resources and Environment of the Department of Agriculture, or a designee;

"(B) 3 members shall be appointed, from recommendations by the Governor of Minnesota, to represent the Department of Natural Resources, the Office of Tourism, and the Environmental Quality Board, of the State of Minnesota;

"(C) 1 member shall be a commissioner from each of the counties of Lake, Cook, and Saint Louis from recommendations by each of the county board of commissioners;

"(D) 1 member shall be an elected official from the Northern Counties Land-Use Coordinating Board from recommendations by the Board;

"(E) 1 member shall be the State senator who represents the legislative district that contains a portion of the wilderness;

"(F) 1 member shall be the State representative who represents the legislative district that contains a portion of the wilderness; and

"(G) 1 member shall be an elected official of the Native American community to represent the 1854 Treaty Authority, from recommendations of the Authority.

"(4) ADVISORY COUNCILS.—

"(A) IN GENERAL.—The Council may establish 1 or more advisory councils for consultation, including councils consisting of members of conservation, sportsperson, business, professional, civic, and citizen organizations.

"(B) FUNDING.—An advisory council established under subparagraph (A) may not receive any amounts made available to carry out this Act.

"(5) QUORUM.—A majority of the members of the Council shall constitute a quorum.

"(6) CHAIRPERSON.—

"(A) ELECTION.—The members of the Council shall elect a chairperson of the Council from among the members of the Council.

"(B) TERMS.—The chairperson shall serve not more than 2 terms of 2 years each.

"(7) MEETINGS.—The Council shall meet at the call of the chairperson or a majority of the members of the Council.

"(8) STAFF AND SERVICES.—

"(A) STAFF OF THE COUNCIL.—The Council may appoint and fix the compensation of such staff as the Council considers necessary to carry out this Act.

"(B) PROCUREMENT OF TEMPORARY SERVICES.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(C) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Council, on a reimbursable basis, such administrative support services as the Council requests.

"(D) PROVISION BY THE SECRETARY.—On a request by the Council, the Secretary shall provide personnel, information, and services to the Council to carry out this Act.

"(E) PROVISION BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.—A Federal agency shall provide to the Council, on a reimbursable basis, such information and services as the Council requests.

"(F) PROVISION BY THE GOVERNOR.—The Governor of Minnesota may provide to the Council, on a reimbursable basis, such personnel and information as the Council may request.

"(G) SUBPOENAS.—The Council may not issue a subpoena nor exercise any subpoena authority.

"(9) PROCEDURAL MATTERS.—

"(A) GUIDELINES FOR CONDUCT OF BUSINESS.—The following guidelines apply with respect to the conduct of business at meetings of the Council:

"(i) OPEN MEETINGS.—Each meeting shall be open to the public.

"(ii) PUBLIC NOTICE.—Timely public notice of each meeting, including the time, place, and agenda of the meeting, shall be published in local newspapers and such notice may be given by such other means as will result in wide publicity.

"(iii) PUBLIC PARTICIPATION.—Interested persons shall be permitted to give oral or written statements regarding the matters on the agenda at meetings.

"(iv) MINUTES.—Minutes of each meeting shall be kept and shall contain a record of the persons present, an accurate description of all proceedings and matters discussed and conclusions reached, and copies of all statements filed.

"(v) PUBLIC INSPECTION OF RECORD.—The administrative record, including minutes required under clause (iv), of each meeting, and records or other documents that were made available to or prepared for or by the Council incident to the meeting, shall be available for public inspection and copying at a single location.

"(B) NEW INFORMATION.—At any time when the Council determines it appropriate to

consider new information from a Federal or State agency or from a Council advisory body, the Council shall give full consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on management measures.

"(10) COMPENSATION.—

"(A) IN GENERAL.—A member of the Council who is not an officer or employee of the Federal government shall serve without pay.

"(B) TRAVEL EXPENSES.—While away from the home or regular place of business of the member in the performance of services for the Council, a member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Federal Government service are allowed expenses under section 5703 of title 5, United States Code.

"(11) FUNDING.—Of amounts appropriated to the Forest Service for a fiscal year, the Secretary shall make available such amounts as the Council shall request, not to exceed $150,000 for the fiscal year.

"(12) TERMINATION OF COUNCIL.—The Council shall terminate on the date that is 10 years after the date of enactment of this subsection.".

SEC. 5. MANAGEMENT PLAN.

Section 20 of Public Law 95-495 (92 Stat. 1659; 16 U.S.C. 1132 note) is amended to read as follows:

"SEC. 20. MANAGEMENT PLAN.

"(a) SCHEDULE.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of this subsection, the Council shall submit to the Secretary and the Governor of Minnesota a comprehensive management plan (referred to in this section as the 'plan') for the Boundary Waters Canoe Area Wilderness, to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions.

"(2) PRELIMINARY REPORT.—Not later than 1 year after the date of the first meeting of the Council, the Council shall submit a preliminary report to the Secretary describing the process to be used to develop the plan.

"(b) DEVELOPMENT OF PLAN.—

"(1) IN GENERAL.—In developing the plan, the Council shall examine all relevant issues, including—

"(A) year-round visitation consistent with the use levels established under this Act, including—

"(i) reform and simplification of the current day use and overnight use permit system;

"(ii) resolving discrepancies between actual permit use and absences; and

"(iii) defining the need for special permit policies for commercial uses;

"(B) the appropriate distribution of visitors in the wilderness; and

"(C) a comprehensive visitor education program.

"(2) CONDITIONS.—In carrying out subparagraphs (A) through (C) of paragraph (1), the Council shall—

"(A) be subject to relevant environmental law;

"(B) consult on a regular basis with appropriate officials of each Federal or State agency or local government that has jurisdiction over land or water in the wilderness;

"(C) consult with interested conservation, sportsperson, business, professional, civic, and citizen organizations; and

"(D) conduct public meetings at appropriate places to provide interested persons the opportunity to comment on matters to be addressed by the plan.

"(3) PROHIBITED CONSIDERATIONS.—The Council may not consider—

"(A) removing wilderness designation;

"(B) allowing mining, logging, or commercial or residential development; or

"(C) allowing new types of motorized uses in the wilderness, except as provided in this Act.

"(c) APPROVAL OF PLAN.—

"(1) SUBMISSION TO SECRETARY AND GOVERNOR.—The Council shall submit the plan to the Secretary and the Governor of Minnesota for review.

"(2) APPROVAL OR DISAPPROVAL BY THE SECRETARY.—

"(A) REVIEW BY THE GOVERNOR.—The Governor may comment on the plan not later than 60 days after receipt of the plan from the Council.

"(B) SECRETARY.—

"(i) IN GENERAL.—The Secretary shall approve or disapprove the plan not later than 90 days after receipt of the plan from the Council.

"(ii) CRITERIA FOR REVIEW.—In reviewing the plan, the Secretary shall consider—

"(I) the adequacy of public participation;

"(II) assurances of plan implementation from State and local officials in Minnesota;

"(III) the adequacy of regulatory and financial tools that are in place to implement the plan;

"(IV) provisions of the plan for continuing oversight by the Council of implementation of the plan; and

"(V) the consistency of the plan with Federal law.

"(iii) NOTIFICATION OF DISAPPROVAL.—If the Secretary disapproves the plan, the Secretary shall, not later than 30 days after the date of disapproval, notify the Council in writing of the reasons for the disapproval and provide recommendations for revision of the plan.

"(C) REVISION AND RESUBMISSION.—Not later than 60 days after receipt of a notice of disapproval under subparagraph (B) or (D), the Council shall revise and resubmit the plan to the Secretary for review.

"(D) APPROVAL OR DISAPPROVAL OF REVISION.—The Secretary shall approve or disapprove a plan submitted under subparagraph (C) not later than 30 days after receipt of the plan from the Council.

"(d) REVIEW AND MODIFICATION OF IMPLEMENTATION OF PLAN.—The Council—

"(1) shall review and monitor the implementation of the plan; and

"(2) may, after providing for public comment and after approval by the Secretary, modify the plan, if the Council and the Secretary determine that the modification is necessary to carry out this Act.

"(e) INTERIM PROGRAM.—Before the approval of the plan, the Council shall advise and cooperate with appropriate Federal, State, local, and tribal governmental entities to minimize adverse impacts on the values described in section 2.

"(f) FOREST SERVICE REGULATIONS.—During the period beginning on the date of enactment of this subsection and ending on the date a management plan is approved by the Secretary under subsection (c)(2), the Secretary may not issue any regulation that relates to the Boundary Waters Canoe Area Wilderness, except for—

"(1) regulations required for routine business, such as issuing permits, visitor education, maintenance, and law enforcement; and

"(2) emergency regulations.

"(g) STATE AND LOCAL JURISDICTION.—Nothing in this Act diminishes, enlarges, or modifies any right of the State of Minnesota or any political subdivision of the State to—

"(1) exercise civil and criminal jurisdiction;

"(2) carry out State fish and wildlife laws in the wilderness; or

"(3) tax persons, corporations, franchises, or private property on land and water included in the wilderness.".

By Mr. DOLE (for himself, Mr. ROTH, Mr. GRAMM, Mr. GRASSLEY, Mr. SIMPSON, Mr. PRESSLER, Mr. NICKLES, Mr. BENNETT, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. GREGG, Mr. KEMPTHORNE, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, and Mr. WARNER):

S. 1739. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury; to the Committee on Finance.

GAS TAX REPEAL LEGISLATION

Mr. DOLE. Mr. President, I rise today to introduce a bill that repeals the 4.3-cent gas tax increase imposed by President Clinton in his 1993 tax bill—a $265 billion increase—the largest in history.

I am confident that this legislation would pass immediately, and by a wide margin, if my Democratic colleagues would remove their objection to a vote.

As we all know, gas prices are at their highest level since the gulf war. This bill will provide much-needed tax relief to American travelers. I am happy to be joined by more than 20 of my colleagues who are cosponsoring this legislation to repeal the gas tax hike.

The 1993 tax increase raised fuel taxes on all modes of transportation by 4.3 cents per gallon. This tax increase was not dedicated to the highway trust fund to maintain and to improve our Nation's highways, roads, and bridges. Rather it was used to fund a larger and more pervasive Federal Government.

President Clinton and his Democratic colleagues would rather tax more and spend more than cut wasteful government spending. In 1993, they raised income, estate, and Social Security taxes. This $265 billion tax increase passed without a single Republican vote in either the House or the Senate.

And their taxes particularly hurt working Americans, making it harder for them to make ends meet. As we repeal the gas tax hike, 60 percent of the tax relief would go to Americans making less than $50,000 a year—almost half of the total relief would be for families making less than $40,000 a year.

These drivers probably didn't feel rich when the President increased their taxes in 1993, but they will certainly be better off when we repeal the tax hike.

I also would note that if the President had his way, gas prices would be rising yet again—by another 2.5 cents per gallon tax that would have begun on July 1, 1996—the last installment of a 7.5-cent-per-gallon tax that was part of his overall energy tax increase proposal. Republicans fought against that increase and this bill will remove the last vestige of the 1993 gas tax increase.

This legislation does not increase the budget deficit. It is paid for by reductions in the Department of Energy administrative overhead account, which includes the Secretary's travel budget. These Energy Department cost savings were proposed by the President in his latest budget. The bill also calls for a limited auction of Federal communications spectrum. Together, these offsets raise the $2.9 billion necessary to fund the repeal through 1996. I will work for a long-term repeal in the context of our efforts to eliminate the Federal budget deficit.

Repealing the 1993 gas tax is the fastest and surest way to lower gas prices. It will provide immediate relief—especially to American families who drive to their summer vacations.

The bill provides for an immediate tax credit for service station owners and others that purchase gas for resale to customers. This way they can pass the savings on to their customers as they have told us they will.

I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

SEC. 2. REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

"(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax repeal date" means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms "gasoline" and "diesel fuel" have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term "aviation fuel" has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such

term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation of 1993 to determine whether there has been a passthrough of such repeal.

(B) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting "(a) IN GENERAL.—" before "APPROPRIATIONS"; and

(2) by adding at the end the following:

"(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

"(1) $104,000,000 for fiscal year 1997;
"(2) $104,000,000 for fiscal year 1998;
"(3) $100,000,000 for fiscal year 1999;
"(4) $90,000,000 for fiscal year 2000;
"(5) $90,000,000 for fiscal year 2001; and
"(6) $90,000,000,000 for fiscal year 2002.".

SPECTRUM AUCTION

SEC. . SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—the Federal communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.—The Federal Communication Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

TECHNICAL EXPLANATION OF S. 1739

1. Repeal of Transportation Motor Fuels Excise Tax

PRESENT LAW

The Omnibus Budget Reconciliation Act of 1993 imposed a permanent 4.3-cents-per-gallon excise tax on transportation motor fuels. Revenues from this tax are retained in the General Fund of the Treasury. This excise tax applies to fuels used in all transportation sectors: highway, aviation, rail, inland waterway shipping, and recreational boating. All fuels used in those transportation sectors (gasoline, diesel fuel, special motor fuels, compressed natural gas, jet fuel, and barge fuel) are subject to tax.

Statutorily, the 4.3-cents-per-gallon transportation motor fuels excise tax is imposed as an additional component of the rates of other motor fuels excise taxes.[1] Those other excise taxes typically are imposed as a financing source for Federal environmental and public works programs administered through Federal trust funds. The other excise taxes have scheduled expiration dates, which generally coincide with expiration of authorizing legislation for those Federal programs.

EXPLANATION OF PROVISION

The bill would repeal the 4.3-cents-per-gallon General Fund transportation motor fuels excise tax on fuel used in all transportation sectors currently subject to the tax during the period beginning seven days after enactment and ending after December 31, 1996. Statutorily this is accomplished by reducing the aggregate tax rate that otherwise would be imposed by 4.3 cents per gallon, or removing the denial of an exemption. The bill does not affect any of the motor fuels excise taxes that are dedicated funding sources for Federal environmental or public works trust fund programs.

Because the 4.3-cents-per-gallon transportation motor fuels excise tax (along with other applicable excise taxes on the same motor fuels) is imposed on certain motor fuels before the fuels reach the consumer level, the bill includes rules comparable to present-law "floor stocks refund" provisions that allow refunds to producers and dealers for fuel held for sale on the effective date of the tax reduction when the excise tax already has been paid. These refunds must be claimed by persons liable for payment of the tax, based on amounts of tax-paid fuel they own on the tax-reduction date and on documented claims from dealers that purchased tax-paid fuel from them and hold the fuel for sale on the tax-reduction date. These refunds are intended to be allowable either as refund claims filed with the Internal Revenue Service or as credits against required deposits and payments of other excise taxes owed by the claimants.

The bill further would impose floor stocks taxes, identical to those imposed in 1993, on taxable fuels held on January 1, 1997, when the tax-reduction period expires.

EFFECTIVE DATE

These provisions of the bill would be effective on the date of enactment for taxable fuels removed, entered, sold or used more than six days after that date and before January 1, 1997.

2. Sense of the Congress on Benefit to Ultimate Consumers

The bill includes a statement that it is the Sense of the Congress that the full benefit of repeal of the 4.3-cents-per-gallon transportation motor fuels excise tax be flowed through to consumers, and that persons receiving floor stocks refunds from the Internal Revenue Service immediately credit their customers' accounts to reflect those refunds.

3. Study

The bill directs the General Accounting Office to study the impact of repeal of the 4.3-cents-per-gallon transportation motor fuels excise tax and to report its findings to the Congress no later than January 31, 1997.

By Mr. NICKLES (for himself and Mr. DOLE):

S. 1740. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

THE DEFENSE OF MARRIAGE ACT

• Mr. NICKLES. Mr. President, today I am introducing a bill called the Defense of Marriage Act. It is a simple

[1] Because compressed natural gas ("CNG") is a gaseous fuel rather than a liquid, the rate of tax is stated as 48.54 cents per MCF, which was the statutory equivalent for CNG of the 4.3-cents-per-gallon tax rate enacted in 1993. The 48.54-cents-per-gallon rate is the only excise tax imposed on CNG.

measure, limited in scope and based on common sense. It does just two things.

The Defense of Marriage Act defines the words "marriage" and "spouse" for purposes of Federal law and allows each State to decide for itself with respect to same-sex marriages.

Most Americans will have a hard time understanding how our country has come to the point where such simple and traditional terms as "marriage" and "spouse" need to be defined in Federal law. But under challenge from courts, lawsuits and an erosion of values, we find ourselves at the point today that this legislation is needed.

This bill says that marriage is the legal union between one man and one woman as husband and wife, and spouse is a husband or wife of the opposite sex. There is nothing earth-shattering there. No breaking of new ground. No setting of new precedents. No revocation of rights.

Indeed, these provisions simply reaffirm what is already known, what is already in place, and what is already in practice from a policy perspective. This legislation seems quite unexciting yet it may still draw criticism. I do hope everyone will read and understand the scope of the legislation before drawing any conclusions.

The definitions are based on common understandings rooted in our Nation's history, our statutes and our case law. They merely reaffirm what Americans have meant for 200 years when using the words "marriage" and "spouse." The current United States Code does not contain a definition of marriage, presumably because most Americans know what it means and never imagined challenges such as those we are facing today.

This bill does not change State law, but allows each State to decide for itself with respect to same-sex marriage. It does this by exercising Congress's powers under the Constitution to legislate with respect to the full faith and credit clause. It provides that no State shall be required to give effect to any public act of any other State respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State.

The Defense of Marriage Act is necessary for several reasons.

In May 1993, the Hawaii Supreme Court rendered a preliminary ruling in favor of three same-sex couples applying for marriage licenses. The court said the marriage law was discriminatory and violated their rights under the equal-rights clause of the State constitution.

Many States are concerned that another State's recognition of same-sex marriages will compromise their own law prohibiting such marriages. According to a March 11, 1996, Washington Times article, "legislators in 24 States have introduced bills to deny recognition of same-sex marriage. Two States—Utah and South Dakota—have already approved such laws, and 17 other states are now grappling with the issue—including Hawaii, where legislative leaders are fighting to block their own supreme court from sanctioning such marriages." Several other States have passed such laws since this article was written. This bill would address this issue head on and allow States to make the final determination concerning same-sex marriages without other States' law interfering.

Another reason this bill is needed now, concerns Federal benefits. The Federal Government extends benefits, rights, and privileges to persons who are married, and generally accepts a State's definition of marriage. This bill will help the Federal Government defend its own traditional and commonsense definitions of "marriage" and "spouse." If, for example, Hawaii gives new meaning to the words "marriage" and "spouse," the reverberations may be felt throughout the Federal Code unless this bill is enacted.

Another example of why we need a Federal definition of the terms "marriage" and "spouse" stems from experience during debate on the Family and Medical Leave Act of 1993. Shortly before passage of this act, I attached an amendment that defined "spouse" as "a husband or wife, as the case may be." When the Secretary of Labor published his proposed regulations, a considerable number of comments were received urging that the definition of "spouse" be "broadened to include domestic partners in committed relationships, including same-sex relationships." When the Secretary issued the final rules he stated that the definition of "spouse" and the legislative history precluded such a broadening of the definition. This amendment, which was unanimously adopted, spared a great deal of costly and unnecessary litigation over the definition of spouse.

These are just a few reasons for why we need to enact the Defense of Marriage Act. Enactment of this bill will allow States to give full and fair consideration of how they wish to address the issue of same-sex marriages instead of rushing to legislate because of fear that another State's laws may be imposed upon them. It also will eliminate legal uncertainty concerning Federal benefits, and make it clear what is meant when the words "marriage" and "spouse" are used in the Federal Code.

This effort hardly seems to be news as it reaffirms current practice and policy, but surely somehow, somewhere given today's climate, it will be. I believe the fact that it will be news—that some may even consider this legislation controversial—should make the average American stop and take stock of where we are as a country and where we want to go. Apathy and indifference among the American people is one of the great threats to our Nation's future.

This legislation is important. It is about the defense of marriage as an institution and as the backbone of the American family. I urge my colleagues and fellow Americans to join me in support of the Defense of Marriage Act.

I ask unanimous consent that the following two factsheets be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEFENSE OF MARRIAGE ACT

The Defense of Marriage Act (DOMA) is short, and it does just two things:

It provides that no State shall be required to give effect to a law of any other State with respect to a same-sex "marriage".

It defines the words "marriage" and "spouse" for purposes of Federal law.

Section 1 of the bill gives its title, the "Defense of Marriage Act".

Section 2 allows each State (or other political jurisdiction) to decide for itself with respect to same-sex "marriage". Section 2 of the bill will add a new section to Title 28, United States Code, as follows:

"Sec. 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

This section of the bill is an exercise of Congress' powers under the "Effect" clause of Article IV, section 1 of the Constitution, which reads, "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may be general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, *and the Effect thereof.*" [Emphasis added.]

Precedents. Congress has legislated before with respect to full faith and credit. The general provisions, 28 U.S.C. §§1738 & 1739, go back to the earliest days of the Republic. Act of May 26, 1790, 1 Statutes at Large, chap. XI. More recently, Congress has reinvigorated its powers under Article IV of the Constitution by enacting—

The Parental Kidnaping Prevention Act of 1980, Public Law 96-611, 94 Stat. 3569, codified at 28 U.S.C. §1738A (each State required to enforce child custody determinations made by home State if made consistently with the provisions of the Act);

The Full Faith and Credit for Child Support Orders Act [of 1994], Pub. L. 103-383, 108 Stat. 4064, codified at 28 U.S.C. §1738B (each State required to enforce child support orders made by the child's State if made consistently with the provisions of the Act); and

The Safe Homes for Women Act of 1994, Pub. L. 103-322, title IV, §40221(a), 108 Stat. 1930, codified at 18 U.S.C. §2265 (full faith and credit to be given to protective orders issued against a spouse or intimate partner with respect to domestic violence).

Section 3 contains definitions. It will amend Chapter 1 of Title 1 of the United States Code by adding the following new section:

"§7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

Section 3 merely restates the current understanding. The text reaffirms what Congress and the executive agencies have meant for 200 years when using the words "marriage" and "spouse"—a marriage is the legal union of a man and a woman as husband and wife, and a spouse is a husband or wife of the opposite sex.

Most of section 3 borrows directly from the current United States Code. The introductory phrases are taken from sections 1 and 6 of Title 1, and the definition of spouse is taken from paragraph 31 of section 101, Title 31. The current Code does not contain a definition of marriage, presumably because Americans have known what it means. Therefore, the definition of marriage in DOMA is derived most immediately from a Washington State case, *Singer* v. *Hara*, 522 P.2d 1187, 1191–92 (Wash. App. 1974), and this definition has now found its way into Black's Law Dictionary (6th ed. 1990). There are many similar definitions, both in the dictionaries and in the cases. For example, more than a century ago the U.S. Supreme Court spoke of the "union for life of one man and one woman in the holy estate of matrimony." *Murphy* v. *Ramsey*, 114 U.S. 15, 45 (1885).

Note that "marriage" is defined, but the word "spouse" is not defined but refers to. This distinction is used because the word "spouse" is defined at several places in the Code to include substantive meaning (e.g., Title II of the Social Security Act, 42 U.S.C. §§416 (a), (b), & (f), contains a definition of "spouse" that runs to dozens of lines), and DOMA is not meant to affect such substantive definitions. DOMA is meant to ensure that whatever substantive definition of "spouse" may be used in Federal law, the word refers only to a person of the opposite sex.

[Prepared by the Office of Senator Don Nickles]

THE DEFENSE OF MARRIAGE ACT IS NECESSARY NOW

The Defense of Marriage Act (DOMA) is a modest proposal. In large measure, it merely restates current law. Some may ask, therefore, if it is necessary. The correct answer is . . . it's essential, and it's essential now. A couple of examples will illustrate why:

Same-Sex "Marriages" in Hawaii. Prompted by a decision of its State Supreme Court, *Baehr* v. *Lewin*, 852 P.2d 44, reconsideration granted in part, 875 P.2d 225 (Haw. 1993), the people of Hawaii are in the process of deciding if their State is going to sanction the legal union of persons of the same sex. After Hawaii's high court acted, the legislature amended Hawaii's law to make it unmistakably clear that marriage is available only between a man and a woman, Act of June 22, 1994 (Act 217, §3), amending Hawaii Revised Statutes §572–1, but the issue still thrives in the courts, and a lower court may hand down a decision later this year.

If Hawaii sanctions same-sex "marriage", the implications will be felt far beyond Hawaii. Because Article IV of the U.S. Constitution requires every State to give "full faith and credit" to the "public Acts, Records, and judicial Proceedings" of each State, the other 49 States will be faced with recognizing Hawaii's same-sex "marriages" even though no State now sanctions such relationships. The Federal Government will have similar concerns because it extends benefits and privileges to persons who are married, and generally it uses a State's definition of marriage.

DOMA. The Defense of Marriage Act does not affect the Hawaii situation. It does not tell Hawaii what it must do, and it does not tell the other 49 States what they must do. If Hawaii or another State decides to sanction same-sex "marriage", DOMA will not stand in the way.

The Defense of Marriage Act does two things: First, it allows each State to decide for itself what legal effect it will give to another State's same-sex "marriages". This initiative is based on Congress' power under Article IV, section 1 of the Constitution to say what "effect" one State's acts, records, and judicial proceedings shall have in another State. Second, DOMA defines the words "marriage" and "spouse" for purposes of Federal law. Since the word "marriage" appears in more than 800 sections of Federal statutes and regulations, and since the word "spouse" appears more than 3,100 times, a redefinition of "marriage" or "spouse" could have enormous implication for Federal law.

The following examples illustrating DOMA's importance are from Federal law, but similar situations can be found in every State.

Veterans' Benefits. In the 1970s, Richard Baker, a male, demanded increased veterans' educational benefits because he claimed James McConnell, another male, as his dependent spouse. When the Veterans Administration turned him down, he sued, and the outcome turned on a Federal statute (38 U.S.C. §103(c)) that made eligibility for the benefits contingent on his State's definition of "spouse" and "marriage". The Federal courts rejected the claim for added benefits, *McConnell* v. *Nooner*, 547 F.2d 54 (8th Cir. 1976), because the Minnesota supreme court had already determined that marriage (which it defined as "the state of union between persons of the opposite sex") was not available to persons of the same sex. *Baker* v. *Nelson*, 191 N.W.2d 185 (Minn. 1971), dismissed for want of a substantial federal question, 409 U.S. 810 (1972).

If Hawaii changes its law, a *Baker* v. *Nelson*-type case based on Hawaiian law will create genuine risks to the Federal Government's consistent policy. The Defense of Marriage Act anticipates future demands such as that made in the veterans' benefits case, and it reasserts that the words "marriage" and "spouse" will continue to mean what they have traditionally meant.

Family and Medical Leave Act. The Family and Medical Leave Act of 1993 (FMLA), Pub. L. 103–3, 107 Stat. 6, requires that employees be given unpaid leave to care for a "spouse" who is ill.

Shortly before passage of the Act in the Senate, Senator Nickles attached an amendment defining "spouse" as "a husband or wife, as the case may be." That amendment proved essential when the regulations were written.

When the Secretary of Labor published his proposed regulations, he noted that a "considerable number of comments" were received urging that the definition of "spouse" "be broadened to include domestic partners in committed relationships, including same-sex relationships." However, the Nickles amendment precluded him from adopting an expansive definition of "spouse". The Secretary then quoted the Senator's remarks on the floor:

". . . This is the same definition [of 'spouse'] that appears in Title 10 of the United States Code (10 U.S.C. 101). Under this amendment, an employer would be required to give an eligible female employee unpaid leave to care for her husband and an eligible male employee unpaid leave to care for his wife. No employer would be required to grant an eligible employee unpaid leave to care for an unmarried domestic partner. This simple definition will spare us a great deal of costly and unnecessary litigation. Without this amendment, the bill would invite lawsuits by workers who unsuccessfully seek leave on the basis of the illness of their unmarried adult companions."

"*Accordingly*," continued the Secretary, "*given this legislative history, the recommendations that the definition of 'spouse' be broadened cannot be adopted.*" 60 Federal Register 2180, 2191–92 (Jan. 6, 1995) (emphasis added).

The Family and Medical Leave Act is an excellent example of how a little anticipation in the Legislative Branch can prevent a far-reaching, even revolutionary, change in American law.

[Prepared by the Office of Senator Don Nickles]•

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 695

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 695, a bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes.

S. 983

At the request of Mr. FEINGOLD, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 983, a bill to reduce the number of executive branch political appointees.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1423

At the request of Mr. GREGG, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Arizona

[Mr. MCCAIN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1596

At the request of Mr. MURKOWSKI, the names of the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1596, a bill to direct a property conveyance in the State of California.

S. 1610

At the request of Mr. BOND, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1646

At the request of Mr. DOMENICI, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1687

At the request of Mr. KERRY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1687, a bill to provide for annual payments from the surplus funds of the Federal Reserve System to cover the interest on obligations issued by the Financing Corporation.

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE EXPENSES AND FEES REIMBURSEMENT ACT

DOLE AMENDMENT NO. 3960

Mr. DOLE proposed an amendment to amendment No. 3955 proposed by him to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

"Strike the word "enactment" and insert the following:

enactment.

TITLE —FUEL TAX RATES

SEC. . REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

"(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax repeal date" means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made.)

(2) GASOLINE AND DIESEL FUEL.—The terms "gasoline" and "diesel fuel" have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term "aviation fuel" has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate

amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(a) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to consumers accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Secretary of Energy, in consultation with the Attorney General of the United States and the Secretary of the Treasury, shall conduct a study of fuel prices during June, July, and August of 1996 to determine whether there has been a passthrough of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation of 1993.

(B) REPORT.—Not later than September 30, 1996, the Secretary of Energy shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

SPECTRUM AUCTION

SEC. .SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.—The Federal Communication Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting "(a) IN GENERAL.—" Before "APPROPRIATIONS"; and

(2) by adding at the end the following:

"(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

"(1) $104,000,000 for fiscal year 1997;

"(2) $104,000,000 for fiscal year 1998;

"(3) $100,000,000 for fiscal year 1999;

"(4) $90,000,000 for fiscal year 2000;

"(5) $90,000,000 for fiscal year 2001; and

"(6) $90,000,000 for fiscal year 2002.".

TITLE —TEAMWORK AND MINIMUM WAGE

SEC. 01. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of American employers to make dramatic changes in workplace and employer-employee relationships;

(2) these changes involve an enhanced role for the employee in workplace decision-making, often referred to as "employee involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) employee involvement structures, which operate successfully in both unionized and non-unionized settings, have been established by over 80 percent of the largest employers of the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of American businesses, employee involvement structures have had a positive impact on the lives of those employees, better enabling them to reach their potential in their working lives;

(5) recognizing that foreign competitors have successfully utilized employee involvement techniques, Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful employee involvement structures in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate employee involvement structures have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930s when employers established deceptive sham "company unions" to avoid unionization; and

(7) employee involvement is currently threatened by interpretations of the prohibition against employer-dominated "company unions".

(b) PURPOSES.—It is the purpose of this Act to—

(1) protect legitimate employee involvement structures against governmental interference;

(2) preserve existing protections against deceptive, coercive employer practices; and

(3) permit legitimate employee involvement structures where workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

SEC. 02. AMENDMENT TO SECTION 8(a)(2) OF THE NATIONAL LABOR RELATIONS ACT.

Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by adding at the end thereof the following: "*Provided further*, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain or participate in any organization or entity of any kind, in which employees participate to address matters of mutual interest (including issues of quality, productivity and efficiency) and which does not have, claim or seek authority to negotiate or enter into collective bargaining agreements under this Act with the employer or to amend existing collective bargaining agreements between the employer and any labor organization;".

SEC. 03. CONSTRUCTION CLAUSE LIMITING EFFECT OF ACT.

Nothing in the amendment made by section 3 shall be construed as affecting employee rights and responsibilities under the National Labor Relations Act other than those contained in section 8(a)(2) of such Act.

SEC. 04. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1996, not less than $4.70 an hour during the year beginning July 4, 1996, and not less than $5.15 an hour after July 3, 1997;".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 16, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 621, a bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System; H.R. 531, a bill to designate the Great Western Scenic Trail as a study trail under the National Trails System Act; S. 1049, a bill to amend the National Trails System Act to designate the route from Selma to Montgomery as a National Historic Trail; S. 1706, a bill to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chicamauga and Chattanooga National Military Park in Georgia; S. 1725, a bill to amend the National Trails System Act to create a third category of long-distance trails to be known as national discovery trails and to authorize the American Discovery Trail as the first national discovery trail.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding Russian organized crime in the United States.

This hearing will take place on Wednesday, May 15, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Harold Damelin or Daniel S. Gelber of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, May 8, 1996, beginning at 10 a.m. in room SH–215, to conduct a markup on international trade bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, May 8, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on campaign finance reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MURKOWSKI. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on veterans' health care eligibility priorities. The hearing will be held on May 8, 1996, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, at 2:45 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development Corporation and Related Matters be authorized to meet during the session of the Senate on Wednesday, May 8, and Thursday, May 9, 1996, to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Youth Violence be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, at 10 a.m. to hold a hearing on "Youth Violence: Oversight of Federal Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RON BROWN'S SERVICE TO HIS COUNTRY

• Mrs. HUTCHISON. Mr. President, I wish to reflect briefly on the loss of life and tremendous talent our Nation suffered when, only days before Easter Sunday, 33 Americans—leaders in business and Government—perished in a storm off the coast of Croatia.

Each of these individuals was strongly committed to the idea that economic renewal is critical to achieving peace in that desperately war-torn land. Compassion for others in need drew all of them on their mission to the Balkans in an effort to help heal that desperate corner of the globe.

I particularly want to remember U.S. Secretary of Commerce Ron Brown. Charismatic and energetic, he inevitably devoted himself to the task at hand with all his heart and mind. His enthusiasm for public service was only equaled by an amazing ability to attain his goals. He lived the American success story by proving that everyone, through hard work and determination can achieve their heart's desire.

Ron Brown's immense personal popularity made his untimely death all the more sorrowful.

Born in Washington, DC, but raised in New York's Harlem, Secretary Brown attended Middlebury College in Vermont where he was the only black student in his class. After graduation he joined the U.S. Army and, serving as an officer, proudly represented his country abroad.

Following his military career he worked as a welfare caseworker in New York City while attending law school at night. An individual of enormous charm and wit, Ron Brown became the first African-American leader of a major political party in the United States. Regarding this historical achievement he stated, "I did not run on the basis of race, but I will not run away from it. I am proud of who I am."

President Clinton named Ron Brown to serve as U.S. Secretary of Commerce, the first African-American to occupy that post. He performed its duties with wisdom, dedication, and conscientious attention to detail. Secretary Brown more than anyone else in

Government, gave business a seat at the diplomatic table. Because of his friendship with and access to the President, the State Department was on constant notice that if our economic efforts overseas were not represented, Ron Brown stood ready to serve as their advocate.

Representing the United States around the world, he was America's premier salesman for what we have to offer—equality, opportunity, and abundance.

This April, bravely undertaking a mission into what had recently been a war zone and still was a potentially hostile region, Ron Brown proved to the world what those who knew him always took for granted: that he cared less for his personal safety than for the good of the people who live there.

In his own wonderful way, Ron Brown served as a peacekeeper. Working to establish international trade and business in the region, he offered its people the opportunity to rebuild a civil society.

Yes, the United States lost 33 lives, 33 talented individuals, each with an unlimited potential to achieve.

But we as a nation have also gained 33 luminous examples of ultimate dedication and compassion. These bright stars of self-sacrifice form an American constellation which can, if we let it, guide us forward with generosity and courage toward a better tomorrow for ourselves and all of our neighbors.•

ROBERT BELOUS

• Mr. JOHNSTON. Mr. President, I rise today to recognize the outstanding contributions of Robert Belous who, since January 1991, has served as the superintendent of Jean Lafitte National Historical Park and Preserve in Louisiana. Bob is retiring from the Park Service after more than 25 years of service and we in Louisiana will miss him very much.

Bob Belous has been an outstanding park superintendent and public servant. He has enthusiastically embraced a number of innovative and creative projects and programs related to the Jean Lafitte National Historical Park and Preserve. In addition, he has been very active and helpful in the creation and early beginnings of our newest park units in Louisiana, the New Orleans Jazz National Historical Park and the Cane River National Historical Park and Heritage Area.

Mr. President, Jean Lafitte is a very unique park unit. It's like a wheel with many spokes. Jean Lafitte consists of a French Quarter unit; the Barataria marsh unit, Chalmette, the site of the Battle of New Orleans in 1815; and two Cajun cultural centers in Eunice and Thibodaux, LA, that interpret Cajun history. This type of park is very difficult to administer. It takes a dedicated person of many interests, skills, and talents to bring together these diverse elements and resources into a coherent whole. Not only has Bob managed to accomplish this difficult task, but he has done it with flair and good humor.

Over the years, Bob Belous has always been available to provide assistance to me and my staff here in Washington as well as my offices in Louisiana, especially my New Orleans office. He has always provided us with sound professional advice and counsel. I know I speak for many people in Louisiana and all over the country when I wish Bob well in his retirement from the Park Service and thank him for his many contributions to our National Park System.•

SALUTE TO OKLAHOMA GIRL SCOUTS

• Mr. INHOFE. Mr. President, today I salute 10 outstanding young women from Oklahoma who have been honored by Red Lands Council of Girl Scouts in Oklahoma City, OK. Each has received the prestigious Girl Scouts of the USA Gold Award.

They were honored April 25, 1996, for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Award can be earned by girls aged 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving more than 2.5 million girls, has awarded more than 25,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: Earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and adult Girl Scout volunteer.

As members of the Red Lands Council of Girl Scouts, these young women began working toward the Girl Scout Gold Award in 1995, and all completed their projects in the areas of leadership and community service.

The earning of the Girl Scout Gold Award is a major accomplishment deserving of special public recognition and commendation.

I salute the following girls for their accomplishments and for their service to their community and their country:

Melanie Brockman of Girl Scout Troop 55. She helped design, organize, and carry out a Special Kids Day. This was a program for the special education students in the community. The children were divided by age and abilities to provide them an opportunity to participate in normal activities. This very successful program gave each special education student a chance to feel good about themselves.

Kansas Conrady of Girl Scout Troop 569. She designed an overnight lock-in for sixth grade Junior Girl Scouts and Cadette Girl Scouts to discuss the contemporary issues of substance abuse, facing a family crisis, youth suicide, and teen pregnancy. Professionals were brought in to speak and share their knowledge with the girls, and the girls then participated in activities from the Contemporary Issues Program for Girl Scouts in a round robin format.

Melanie Foglesong of Girl Scout Troop 17. She undertook the massive project of cleaning and painting the Wichita Lodge at Camp Red Rock. She organized a work crew, collected supplies, and directed the cleanup from washing walls and windows through the painting of all the interior of the lodge.

Leslie Hooks. She planned a program to help Junior Girls Scouts through Senior Girls Scouts know the joys of sailing by learning the fundamentals of sailing and culminating in a hands-on sailing event.

Andrea Johnson of Girl Scout Troop 569. She created an informative video of Camp Red Rock and Camp Cookieland for the use of Red Lands Council of Girl Scouts to introduce the camp properties to prospective campers.

Danette Kniffin. She planned a program to teach girls of the community the art of canoeing. The program is designed for both beginning and intermediate canoers and included a basic water safety program.

Kimmie Kohl of Girl Scout Troop 55. She designed, organized, and carried out a Special Kids Day. This was a program for the special education students in the community. The children were divided by age and abilities to provide them an opportunity to participate in normal activities. This very successful program gave each special education student a chance to feel good about themselves.

Amanda Newman. She organized the first active Youth Red Cross Chapter in Blaine County. The goal of the organization is to be trained to help meet the emergencies of their community.

Ambra Prestage of Girl Scout Troop 55. She helped design, organize, and carry out a Special Kids Day. This was a program for the special education students in the community. The children were divided by age and abilities to provide them an opportunity to participate in normal activities. This very successful program gave each special education student a chance to feel good about themselves.

Nicole Robertson of Girl Scout Troop 127. She organized a Girls' Day Out to introduce the girls to the joys of being a Girls Scout. She also worked with

the In-School Program for Red Lands Council Girl Scouts and helped bring the Scouting program to numerous girls.●

TRIBUTE TO MS. DANETTA FAITH FISHER-RAINING BIRD

● Mr. BURNS. Mr. President, I rise today to pay tribute to a young Montanan. Ms. Danetta Faith Fisher-Raining Bird has been awarded a Rockefeller Brothers Fund Fellowship, as 1 of 25 outstanding minority students entering the teaching profession.

The Rockefeller Brothers Fund is in their fifth year of awarding these fellowships and I am proud that Danetta joins with four other native Americans from Montana who have received this award since the award began. With the stiff competition nationwide, it took a very strong commitment to the education of minorities and to improving teaching in public schools to be selected. No doubt Danetta met that challenge.

This award will allow Danetta to take part in a summer project and to go on to graduate school to pursue further training in education or a related field. And once she begins teaching, the Rockefeller Brothers Fund will help with loan repayments. This is exactly the type of private sector involvement that our education system needs. And it is exactly what students like Danetta depend on in order to succeed these days.

I congratulate Danetta on this achievement. I know she will put this award to good use and I am hopeful that she will not only continue her studies in our great State, but use her valuable training to improve the education for other native Americans. I am proud of her as a Montanan and as a representative of our future and I wish her all the best.●

URI DEBATE TEAM DOES WELL IN LINCOLN-DOUGLAS DEBATE

● Mr. PELL. Mr. President, the University of Rhode Island debate team was honored last week at the Rhode Island State House, where the team members received citations for their recent outstanding performance at the National Forensics Association [NFA] Individual Events Nationals at Western Illinois University.

I understand that this competition, which was one of the largest in the history of NFA, drew 2,000 competitors representing 29 States. In the Lincoln-Douglas debate there were 92 competitors representing 33 different colleges and universities.

Rebecca Makris, Derek Young, Jonathan Cross, and Tara McErien represented the University of Rhode Island. During the six preliminary rounds the team defeated teams from Northeastern University, Simmons College, Oakland University, Colorado State University, Cornell University, Ohio University, Morgan State, and Central Michigan University.

Overall the winning record of the team placed them at 10th in the Nation and Rebecca Makris compiled an outstanding record, earning her a place as the 4th best debater in the competition.

Kristen Maar, director of the debate, states: "This is quite an accomplishment for the team and the University. The debaters that qualified for this national tournament were the best in the country, and to have Rebecca place fourth overall is a true achievement."

Coincidentally, the debate topic this year and the debate topic next year reflect some of my own interests in the Senate—the topics "United Nations" and "Education Reform."

This year's topic was "Resolved: That participation in one or more of the six principal bodies of the United Nations should be significantly restricted by altering the U.N. charter and/or rules of procedure."

The debate season will begin again in September, with the resolution dealing with education reform. The exact wording of the resolution will be released on August 1, 1996.

I want to commend the URI team for its excellent job and all the participants this year for their focus on the United Nations and key issues affecting our global future. I look forward to learning more about next year's debate.●

ORDER OF BUSINESS

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE WELL-BEING OF THE AMERICAN FAMILY

Mr. CRAIG. Mr. President, while our leaders are deciding the outcome of the evening and, more important, the outcome of a most important vote on the repeal of the gas tax, I guess I am surprised that the minority would not allow us to go forward to consider H.R. 2137.

We talk about the lack of security within the American family today, be it income security or job security. I know one thing that the American family is extremely concerned about, and that is the security and well-being of their own children. The House overwhelmingly has just voted on a law that will deal with the issue of sexual predators, Megan's law. I am amazed that we could not move swiftly, as the House has moved, to deal with this issue. I hope that we can deal with it.

I hope that the minority will not block us from dealing with it in the future. Clearly, it is something that has to be dealt with. The American people need to know that when these kinds of problems arise, and there are glitches within the legal system that allow young people like Megan to be destroyed, their lives to be taken by people who clearly never should have been let out of incarceration, that this Congress will deal with it.

Mr. President, on Monday of this week, I was reading in USA Today an article by Tony Snowe, where he was talking about the concern and uneasiness of the American family, whether it is the issue of sexual predators, or the loss of a job, or working a multiple of jobs to get ahead, or whether it is the fact that in his article the American family was experiencing income stagnation.

I thought it was interesting when he pointed out that prior to President Clinton being elected, the average family was looking at about 31.3 percent of the gross national product of this country being taken away in taxes. Now, that is up 1½ to 2 percent in this administration. And one of the greatest bites out of that, which dragged down the ability of the family to use their income or to use their salary increases, was the gas tax increase.

In my State of Idaho, with 1.3 million people, it is a big bite. This gas tax hike that, for the first time in our Nation's history, goes to welfare programs instead of roads, bridges and transportation systems, costs $32.1 million. And, boy, anybody who serves large rural States like mine knows that it strikes right at the heart of the productive sector of my State, whether it is the farmer, rancher, or the people who commute long distances, as nearly everybody in my State does, to the supermarket, to the business center, to visit, and to work. Those who are the working people of our society are the ones that are now paying even more.

I am amazed that our administration keeps talking about sticking it to the rich, soaking it to the rich. I am amazed they do not say, "And we soaked it to the worker, to the wage earner because we are sucking away from them at the gas pump an ever increasing amount of their income."

I also find it uniquely ironic that while taxes have ticked up aggressively in this administration from 30 percent of GDP to 31.3, that candidate Clinton in 1992 said he opposed increasing a gas tax, that he opposed increasing those kinds of taxes, he said they were regressive and unfair to working families, I am amazed that he somehow through what he may think is slight of hand or subterfuge created an omnibus tax bill and then, of course, says the way you pay them back is to force everybody to pay higher wages.

In my State of Idaho, that does not work because most of the people did not get higher wages, and a minimum wage increase would affect few of these kinds of people who are our farmers

and ranchers and small business people and commuters who travel hundreds of miles daily, not 20 or 30, not down the street in the commuter bus, not on the Metrorail, but 50 miles one way to work and 50 miles home at night. And when it starts costing $20 or more, or $25 to fill the gas tank a couple of times a week, that is one very large bite out of the pocketbook of the American family.

I am amazed that this administration would even begin to drag its feet on that kind of reality. And while this Congress should be holding oversight hearings on the ramp up in gas prices, we ought to be responding immediately in the areas that we can respond in, and that is in the area of bringing this tax down and doing it in a way that makes sense.

I respect highly the move that our majority leader has made. That is the kind of responsiveness and leadership that we ought to be hearing from this Congress, and now we are locked up again, blocked, if you will, by the minority because they want it their way when the American people are saying: Wait a moment. Your way was to increase our taxes. Your way was not to give us economic opportunity. Your way was to create through the 1993 tax act and the budget an economy that did not produce like it should, that could have produced billions of dollars more, that lost 1.2 million jobs it otherwise would have created if the tax act pushed by, endorsed by, recommended by President Clinton had not gone through.

Now, that is from 1993 to 1996 that I use that figure. Those are real figures just being brought out by the Heritage Foundation. Absent the tax increase in 1993, this economy would have created 1.2 million more jobs. Last month, we did not create a job. Something is wrong in an economy, a growth economy like ours when our President says that the economy is good and we create no jobs, zero jobs.

I am sorry; I do not figure it the way you figure it, Mr. President. I look at these kinds of figures and while they may be statistics, in my State of Idaho they are real jobs; they are food on the family table; they are a little more gas in the gas tank; they are a few more dollars in savings; it is the new house purchased or the clothes bought for the kids. That is what job creation and economic vitality is all about.

When I mentioned 1.2 million jobs lost, not created by the tax increase, when we carry that through next year, that will be an estimated 1.4 million jobs. That is 40,400 new business starts that did not start, that did not happen. Those are real figures in this country. Why? Because the risk of taking that opportunity just was not there, the money was not available because it was drained into the public sector to go out in ways that some of us would question whether it was productive or not. That is a loss of $138 billion in personal savings or maybe 1.3 million new cars and light truck sales. If you sell the cars, you have to produce the cars.

That is what the economy now tells us could have happened had we had not taxed it at the rate that Bill Clinton and the Democrats taxed it in the 1993 tax act. That is $42.5 billion in durable goods orders that were not ordered. The list goes on and on.

We have always known that the way you get out of the financial troubles our Government is in is to expand the economic pie, create new jobs and from that take a reasonable tax to pay for the largesse of Government while at the same time trying to reduce the growth rate, trying to control it. You do not continue to tax or you get the kind of uneasiness that I think is now being experienced by the American people when they say: Well, yes, I still have my job but the reality is I did not get a pay increase. More importantly, I still have my job but I am paying higher taxes with no pay increase. So what I have is less buying power, less ability to provide for my children, and in this instance for working women in our society they took the greater hit once again in a slow, flat economy of the kind that was produced by this tax increase.

So let us move on. Let us repeal the gas tax. Let us return billions of dollars to the American consumers, to the American entrepreneur, to the American small business person, to the job creators and to the workers of our society. That is where productivity comes from. That is what will grow us out of our problems.

I urge this Senate, most importantly I urge my colleagues on the other side to work with us to solve this problem, not to block us, not to force us into stagnation and not to say to the American people once again we hear you but we just do not feel your pain.

I yield back the remainder of my time, Mr. President.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I will not take but just a moment.

REPEAL OF THE GAS TAX

Mr. FORD. Mr. President, earlier, we were required and asked to object to a bill being brought up without being notified, and that was Megan's law. We did not know anything about it until it was offered, at least I did not. We did not have an opportunity. What we do around here is hotline to see if any Senators have any objection or if they have any amendments. And so we knew that there were amendments and we would like to improve the bill. And so therefore we were required to object.

I do not think there was any motive there to stop the law. It will pass. We just had some Senators I think who wanted an opportunity to amend. And so I think that is where we are on the debate here. We talk about the tax, 4.3 cents. You would think it was going to save the world. But the minute we take it off and we do not assure that the consumer will receive it, the oil companies increase it a nickel.

I bought gasoline last night, 2 cents higher today. We did not take the tax off and have not changed anything. We put the tax on 3 years ago, gasoline went down. They were telling us put on more tax; maybe it will be cheaper. Mr. President, 3.8 million barrels of gasoline is what is being used today, about 8.4 is the maximum amount of gasoline that can be produced in this country today. That is running it at full speed. And we have not had a new refinery in over 20 years.

So what you are going to find, taking the speed limit off, taking the speed limit off has helped. Four of every 10 vehicles purchased get only 14 miles to the gallon. And so regardless of what we do here, we lose.

Now, if we do not want to reduce the deficit, you have to offset it from something else. How are you going to offset it? They threw out slurringly on Sunday they were going to take it out of education—you know, I hate Government anyhow. That was the statement. Well, they had to retract that the next day. And how are you going to offset it?

So what we would like to do, or what I would like to do is to find out how you could assure that the consumer gets 4.3 cents because you are going to cut it someplace else. Once you reduce the 4.3 cents and not assure the consumer receive the 4.3, you are going to reduce the budget some place else because you have to have an offset.

So the consumer probably, with the approach here, is going to lose twice. One, they will not see the 4.3 cents, and you are going to cut the budget someplace else. So they get hit twice.

So I think we ought to be sure that when we reduce the gasoline tax—and I think we are going to be able to vote for that—but let us be sure that the consumer receives it and that the big oil companies do not have a windfall, because the 4.3 cents now is reducing the deficit. It has had 4 consecutive years in reduction of the deficit. We have about 8.5 million new jobs in a little over 3 years. Oh, I can hear the crocodile tears that, "We could do better if you would listen to us." I remember the 1990 tax.

If we are not reducing the deficit, how in the world are you going to get to a balanced budget? If the deficit went down, it was back when President Clinton took office—$300 billion. If it was still there, and suppose President Clinton had not won and it was still there, under past procedures, under past administrations, it would go up

$300 billion a year. That was not under ours. You say, "Well, that is a Democratic Congress, and for 6 years you had it right here—control." I tell you, the President had the same kind of wet pen that this President has, the same kind of wet pen on the same desk in the same room. All they have to do is speak to him to get 34. That is all he needs. But how many vetoes did we get?—caved in. He said it was not going to increase taxes, and did. All he had to do is put the pen to it. You fussed at the President for vetoing. Look at the mess we were in when you would not veto. So you can brag and plead and fuss.

I would like, if we could, to try to find some way to get this Senate back in order, to get it back on track, to try to do something that will help people and get a balanced budget up. We argue over these things that are sound bites. It is $389 a page to have your speech put in the RECORD, and we will have 10 some mornings, and they will all say the same thing and cost the taxpayers tens of thousands of dollars; $389 a page. That is when it is electronically. Otherwise, it is over $400. Every time you make a speech here—and I do not make very many—every time you talk, the page in that RECORD is $389. So I just want you to know that every time we hear 10 speeches, it costs tens of thousands of dollars. It has been hundreds and hundreds of thousands of dollars in speeches anti the President, and his popularity is better today than it has been any time. So keep knocking. I think you ought to keep knocking—sour grapes, you know.

I think one thing that we ought to do to get it on the right track is that they ought to run the race for the Presidency out in the field and not every little item that comes up here saying to the Democrats, you cannot vote, you cannot offer an amendment, you cannot vote on one of your amendments.

So we are going to have to start getting this place in a position where it is respected.

Are we limited to 5? I did not know that. I apologize to the Chair. I did not know we were limited to 5 minutes.

The PRESIDING OFFICER. By unanimous consent, there is an agreement on 5 minutes.

Mr. FORD. If I reached the 5 minutes, I did not want to charge the taxpayers any more than $389. I hope I did not use up a page of the RECORD.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I will abide by the admonition of the senior Senator from Kentucky and make sure that I fall below the $389 limit.

Mr. FORD. I just wanted you to know how much it costs per page.

THE DEFICIT

Mr. BENNETT. Mr. President, I want to touch on a few issues quickly, some which the Senator from Kentucky referred to and some that we are talking about generally.

First, on the deficit being close to $300 billion in 1992; it is half that now. When I campaigned in 1992 for election, I said that the deficit will come down regardless of what happens, and every politician in Washington will take credit for it coming down. One of the major reasons it will come down, having nothing whatever to do with any politician in Washington, is that we will finish paying for the savings and loan bailout. That is moving through the system like a pig in a python, and once it finally is digested and taken care of, you will go back down to the same level of deficit you had before we had the bailout of the savings and loan. A lot of us will look at each other and say, "Aren't we heroes? Look. It has come down." When in fact all that really happened is that we are paying off a one-time obligation, and that was completed.

The other reason it comes down is because the cold war is over and we have had substantial downsizing in the Defense Department. The President talks about 270,000-and-some civilian employees no longer on the payroll. Yes, and over 200,000 of those are in the Defense Department having to do with base closures and other downsizing activities in the Defense Department.

The structural deficit is as persistent and pernicious as it ever was, and the size of the civilian work force unrelated to the cold war is as big and as obtrusive as it ever was, and we are kidding ourselves with these short-term numbers to think that something serious and long term is taking place.

THE MINIMUM WAGE

Mr. BENNETT. Mr. President, I want to talk about the two issues that are on the floor; first the minimum wage, and then the TEAM Act. I am willing to vote on the minimum wage at any time. I intend to vote against an increase in the minimum wage, and I do so for the following reasons.

If we increase the minimum wage, we eliminate jobs, and we eliminate jobs primarily among middle-class white suburban teenagers. You may say, "Well, that is fine. We do not owe these middle-class white suburban teenagers anything. So let us eliminate their jobs." I was a white suburban teenager in a middle-class family, and I started work at 14 when the minimum wage was 40 cents an hour. That dates me, I recognize, around here. I got a nice raise when the minimum wage went to 75 cents an hour. I did not need the money. The money was not the issue. The issue was that I learned that I had to be at work on time. I learned that I had to put in a good time at work. Looking back on it, the work I did, frankly, was not significant to the corporation. They could have done without it. But as long as they were paying me that low wage, it did not hurt them that much to have me around, and I liked to think I at least made things a little more comfortable if not more profitable.

It was the most significant learning experience of my young life. It was more significant than many, if not most, of the classes I took in high school. It was more significant in setting the pattern of my life and work habits in my life than the extracurricular clubs that I went to and the other things I was involved in. It was a tremendously worthwhile experience, as I am sure it is for the other middle-class teenagers who are experiencing their first work opportunity, a work opportunity that will be outlawed if we raise the minimum wage to the point where the employer says, "Well, I cannot afford it anymore, and I will cut it off."

Virtually every employer who has contacted me on this issue has said, "If the minimum wage goes up, I will eliminate jobs." I say to those who get so excited about how low the money is, why is it more moral for a person to be unemployed at $5.25 an hour than it is for that person to be working at $4.25 an hour? Somehow, I do not see the social benefit in having somebody unemployed at a high rate whereas they could be working at a lower rate in an entry-level job.

THE TEAM ACT

Mr. BENNETT. Finally, on the TEAM Act, as it is called, I want to make these observations.

Going back to a headline that appeared in a local U.S. paper—I ask unanimous consent that I be allowed to continue for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. The headline coming from another circumstance but driving to the heart of this issue said this: "Why are the liberals afraid of democracy?"

This had to do with another circumstance where liberals were complaining about people voting on an issue and saying that the Government should dictate it. Why, said the speaker at this particular symposium, himself a liberal, "are the liberals afraid of democracy? Are they afraid they would lose? Why are the unions afraid of the TEAM Act? Are they afraid that workers, speaking for themselves, exercising democratic rights, will in fact end up in a circumstance that might be good for those workers? Do they not trust the workers?"

Here are the kinds of things that are illegal now, without the passage of the

TEAM Act, in terms of discussions between workers and businesses. They cannot discuss an extension of employees' lunch breaks by 15 minutes. That is illegal. They have to have the union discuss that in their behalf. They cannot discuss the issue of decreasing rest breaks from 15 minutes to 10 minutes. You would think they could get together, exercise their democratic rights, rights of free speech, to talk about that? Oh, no. Under the present law that is illegal. The union has to be the one to do that.

How about sitting down with management and the workers to discuss tornado warning procedures? Oh, no, we cannot trust the workers to have that kind of discussion. They may give away the store. We have to have the union there to protect their rights. The union must decide, not the workers who are directly involved.

How about rules about fighting? Oh, no, we cannot have that discussion with the workers. We have to have that discussion with the union.

Sharpness of the edges of safety knives? No, we cannot have the people who actually handle the safety knives discuss that with management. We have to have the union there. The list goes on and on.

I am willing to vote on minimum wage. I am willing to vote on TEAM Act. I am willing to vote on the gas increase. I am not willing to have some people in this body say to us, "You can vote on the ones that we think are important, but we will not let you vote on the ones that you think are important."

I say, in closing, to those who are so concerned about the minimum wage, why, if it is such a vital social benefit for so many people, was it never mentioned by the then-majority party for the 2 years that they held both the Presidency and the Congress? Never once did it come up when they had the opportunity to control the agenda, control the veto, and control the passage through here. They did not even mention it, let alone raise it. Now, all of a sudden, it is an amendment that must be offered to every single bill.

I think the coincidence is that $35 million has been pledged in support of the President's campaign by the labor unions, and the decision has been, suddenly, well, it is important. So now we will bring it up, even though we never did when we were in charge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

THE THREE PROPOSALS BEFORE THE SENATE

Mr. COVERDELL. Mr. President, to lay a framework here, we have three proposals that are before the Senate offered by the majority leader, Senator DOLE of Kansas. We have an opportunity to repeal a 4½-cent gas tax that was imposed by President Clinton in August 1993. This is the gas tax that the President, while campaigning, said should not be imposed because it is especially harsh on the poor families in our country. But when he became President, he changed his mind and imposed a 4.3-cent gas tax that, as I said, is very, very difficult for the poorer sectors of our society to deal with, the rural sectors, rural communities that have to utilize gas extensively in their travels and in their work. This has added a deficit in a family checking account between $100 and $200 per family.

It is interesting we are discussing that on this day, because May 8 is the first day that wage earners get to keep their checks for their own housing, their own food, their own transportation. From January 1 to yesterday, every check that was earned by every worker in America went to the Government. It is hard to believe we are at a point in time in our country where you work from January 1 to May 7 and you have to wait until May 8 to keep the first check that you earned. So repealing this gas tax is just the beginning of a series of steps that ought to occur to lighten that load and push those days back.

If you ask Americans what date they think is the appropriate one, they say March 1. Now it is May 7, and you have to wait until May 8 until you can begin to keep what you worked for, for your own family.

So we are talking about repealing this gas tax. We are talking about the minimum wage, which the Senator from Massachusetts has argued now for several weeks ought to be passed. I disagree with him, but there would be a vote on the minimum wage in this proposal the majority leader has put before the Senate.

I agree with the Senator from Utah that the minimum wage will hurt those that they argue it will help. Entry-level, beginning employees, minority employees will find it harder to get a job. That debate has been aired now for several weeks, and there will be a vote on that proposal.

Then there will be a vote on legislation that makes it possible—it is called the TEAM Act. But basically it is a proposal that allows employers and employees to meet together and discuss the modern workplace. Today, representative employees from a company in Lawrenceville, GA, visited our office and said their working groups had saved $6 million. A team that consisted of nine employees, people from the assembly line to plant managers, chosen by coworkers, met for 6 months, and they saved that company $6 million. They are up here saying we want that flexibility in labor law.

A small business from Macon, GA—they employ 30 people in Macon—they have created a committee called TRAQ, total responsibility in quality, made up of employee-selected representatives. Top management does not participate but makes recommendations. These employees from this company in Georgia have written endorsing this new concept. The concept has been endorsed by the Savannah Morning News, the TEAM Act concept, the ability of people to come together.

Mr. President, do I need to ask unanimous consent for another 2 minutes?

The PRESIDING OFFICER. The Senator's time is about to expire.

Mr. FORD. If I do not object, will the Senator yield for a question?

Mr. COVERDELL. I sure will.

Mr. FORD. You will?

Mr. COVERDELL. Yes.

Mr. FORD. So I will not object.

Why do we need to change the law when these people you are talking about now are on a team?

Mr. COVERDELL. Because we are a right-to-work State, and they can function under the law here. There are many shops where that is not the case.

Mr. FORD. But 96 percent of all businesses now, I understand, have the team concept, but what they do is try to improve the assembly line, to try to improve, so that the nuts and bolts ought to be here on the right instead of on the left. The Ranger truck in Louisville that was not doing so well, management and the employees got together and they were able to learn to put the truck upside-down and be able to lean on the machine that tightens the bolts and turn the truck back up and were able to do these things. That is fine. But now are you saying that these teams will be able to negotiate wages? Negotiate hours? Is that the team concept that you want?

Mr. COVERDELL. Frankly, if it were up to me——

Mr. FORD. Oh, I understand that.

Mr. COVERDELL. It would.

Mr. FORD. But what this law——

Mr. COVERDELL. No; and to respond to your question—I know neither one of us want to put a full page in here.

Mr. FORD. I am trying not to, but some people just say some things.

Mr. COVERDELL. The National Labor Relations Board has called into question all of these concepts.

And is it very simple to read what this act does. It simply would make this possible. I simply quote Secretary Reich:

> Many companies have already discovered that management practices fully involving workers have great value beyond their twin virtues.

Or as President Clinton said in his 1996 State of the Union Message:

> When companies and workers work as a team, they do better, and so does America.

We could not agree more. So why not make it possible and make it certain that no one is under a threat from the National Labor Relations Board?

Mr. FORD. I say to my colleague, you take one line out of a statement and then you do not read the paragraph before or the paragraph under of the President's State of the Union Message. My interpretation of that was that employees ought to be recognized as assets, to be nurtured and improved and trained—that was No. 1—so that management and the employees could work together.

Second, I think his intent was the employees should not be used to be fired so the CEO could get $5 million as a bonus for that year while they are out walking on the street. So what he was saying, as long as the——

The PRESIDING OFFICER. The Chair informs the Senators the additional 2 minutes has expired.

Mr. FORD. I request 5 additional minutes.

The PRESIDING OFFICER. I believe the Senator from Georgia——

Mr. FORD. You have the floor.

Mr. COVERDELL. I have the floor.

Mr. FORD. I like what we are doing. We are having a good time.

Mr. COVERDELL. Let me finish this statement and I will not object to an additional 5 minutes.

Mr. FORD. I do not want the meat loaf to get too hard, and I do not want to stay around here. I would like to talk with you now.

Mr. COVERDELL. All right.

Mr. FORD. Because I think the team concept is fine. I understand that well. That is to improve the flow of the——

Mr. COVERDELL. I ask unanimous consent that we have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. But I like the team concept of working together, making the assembly line work better, put out a better product, make more profit for the employer. But if you take this out, if you pass this bill, as I understand it, as my lawyers tell me, then the employer selects the team and that is the end of it. He appoints his son-in-law and a couple of others and that is the end of it, because you do not allow what is going on now. You eliminate the law, and the law then gives the employer the opportunity to select the teams.

Now you say, "Well, that will never happen." That is what this law says.

Mr. COVERDELL. No; that is not what this law says. Now I am going to take my prerogative and finish my statement.

Mr. FORD. You disagree. Well, I had fun while it lasted.

Mr. COVERDELL. This is a good debate, because talking about the TEAM Act or the ability for employers and employees to work together is something that actually came out of Asia. We have all sat back and noticed the efficiencies that some of the Japanese companies have. This is where this concept comes from.

This is talking about a new workplace. Labor law in this country is essentially drawn for industry and the workplace that is 50 years old. We are about to go into a new century, and we ought to be talking about a more flexible workplace, like this suggests. We ought to be talking and acknowledging the fact that the American family is under severe pressures and anxiety today. Both of them have to work today just to keep up with the point I made a minute ago that half their income is taken by the Government now.

Mr. FORD. Plural; plural.

Mr. COVERDELL. And we ought to be guiding them to a more flexible workplace, a more friendlier work environment. I think the President's statement sort of speaks for itself. It is not a question of interpreting it. He simply says, this is a quote:

When companies and workers work as a team, they do better and so does America.

He is right, and we ought to be shaping law that gets us ready for the new century, that allows a friendlier environment, that allows workers and management to work together. That is what the TEAM Act will do.

I might point out that it is not management that was up here from these Georgia companies, it was employees who were up here trying to help endorse these newer concepts for the new century and the new workplace.

Again, we have three proposals here. One is to repeal the gas tax that President Clinton and the administration imposed in August 1993. It is an initial step to lighten this burden on the American family. The second is the minimum wage that the Senator from Massachusetts just tried to propose for America. And the third is a modification that frees companies not to be threatened by the National Labor Relations Board if employers and employees set up work groups to cover the very points that the Senator from Utah espoused.

This is a good law. It actually ought to be just the beginning. We ought to be thinking of other forms of flexibility and other forms of a new environment in the workplace that adjusts itself to the modern workplace and modern family of employees are having to contend with.

With that, Mr. President, I am going to do the leader's notice for the end of the day.

Mr. FORD. Mr. President, I asked for recognition.

Mr. COVERDELL. I yield——

Mr. FORD. You yield the floor.

Mr. COVERDELL. I yield.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I apologize for taking so much time here, but I think what we are getting into is important. There is no way under the 4.3-cent gasoline tax any assurance that the consumer will get it. So all we ask is let that proposal stand alone and we will have relevant amendments and a time agreement. But we are blocked out of amendments; we have to take it as is.

Why, you could give an income tax credit of 4.3 cents, and that would assure that the consumer, the taxpayer would get the money. We do not even have a chance to put up that kind of amendment. You know, a blind hog every once in a while finds an acorn. We might come up with a good suggestion, but we are precluded from amending. That is No. 1.

Mr. COVERDELL. Will the Senator yield?

Mr. FORD. I am glad to yield—you yielded to me—as long as I do not go beyond.

Mr. COVERDELL. I think we heard the majority leader say to the minority leader that he was prepared to discuss an amendment, that he was prepared to meet this evening——

Mr. FORD. But he wants to keep it in the same package.

Mr. COVERDELL. He did not say that.

Mr. FORD. Absolutely, absolutely, that is the whole theme here, and you have to approve of the amendment.

Mr. COVERDELL. I will say this, I am encouraged the Senator from Kentucky is talking as though he is prepared to grant some time.

Mr. FORD. We have been prepared all along, but what you do is put a poison pill in, and we are not going to accept the poison pill. Wait a minute. We are not going to accept the poison pill. You say this is it, and we say we cannot be for it if you put that in. Well, you put that in and so, therefore, we have told you in advance we cannot be for it.

So we are put in a position of having to be against it, and I do not particularly like that. But I wanted to tell you, if I am precluded from offering any amendment, I think I have the right, and this side has the right, and some on that side will have the right to offer amendments and be quite disturbed about not being able to offer amendments.

So what we did is we offered three stand-alone bills with relevant amendments and a time, and you say, "No, we want to put it all in a package, and we have to vote on it as a package. We get three votes and then a vote on the package."

I do not understand why you will not take the offer. There must be some reason, because the minimum wage was the only threat you had. That was the only threat. Now you are agreeing to the minimum wage to take it as an amendment or vote on it. And there is a majority in this body that will vote for it, and the majority leader stated that this afternoon. So the majority wants to increase the minimum wage in the Senate. The majority leader agreed to that.

So, that is one vote. That is stand alone. That is the only threat you have had. That is the only thing that the majority leader has been building the tree for, so we cannot have an amendment, so we cannot put on the minimum wage.

Now something happened out there beyond the beltway, and all of a sudden we are agreeing to the minimum wage, because you have Senators on your side who want to vote for the minimum wage increase.

So we just say there are three bills. Let them stand alone, let us have relevant amendments, let us do a time agreement, if that is what is necessary, instead of putting it in a package and then having three votes and then the fourth vote to approve the package. There is some reason beyond the minimum wage.

Mr. COVERDELL. What we are worried about is the poison pen.

Mr. FORD. Pill.

Mr. COVERDELL. Pen, the one that vetoed the tax relief earlier this year, the one that vetoed welfare reform.

Mr. FORD. The one that signed the tax in 1990, that was a poison pen too, my friend?

Mr. COVERDELL. I am talking about——

Mr. FORD. You want to talk about the President. There was a history of a $300 billion deficit when President Clinton took over. It is now $140 billion, down 4 consecutive years—4 consecutive years—after you built it up over almost $5 trillion.

You say, we have not done very well? Let us look at the record. You are saying, we had to swallow the poison pill to vote for that.

Mr. COVERDELL. You are about to run past your $389.

Mr. FORD. You got me worked up, and I am sweating a little bit. But the thing that really bothers this Senator is to say that it is all President Clinton's fault. Why, I even saw one story that he was responsible—an op-ed piece—that he was responsible for the Unabomber. Keep on keeping on, because he is going up in the ratings. He is even 16 points ahead in Kentucky. Will you believe that? I yield the floor. And I will go to dinner.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COVERDELL. Mr. President, just in response—I do not speak for the leader, but I do not believe the package will be separated, because of the fear of the poison pen of a veto. So they will not be taken up in separate votes. I am sure there can be an accommodation to other amendments. But the separation that would allow the President the authority to accept what that side wants and reject what our side wants is not likely the case.

Mr. GORTON. Would the Senator from Georgia yield for a question?

Mr. COVERDELL. I yield for a question.

Mr. GORTON. Would the Senator from Georgia agree that at the present time we on this side of the aisle have sought to pass a very simple bill, which has already passed the House of Representatives, to reimburse attorney's fees and costs to those people who were wrongfully fired in the White House Travel Office just a couple years ago, and that we have been denied the right to pass that bill without any changes and without any conditions?

Mr. COVERDELL. The Senator is absolutely correct. It is the underlying bill to which the majority leader's package would be attached.

Mr. GORTON. Would the Senator from Georgia not agree that we asked for the ability to debate a repeal of the gas tax, an unprecedented gas tax, not for use for transportation infrastructure, but for the first time in the history of our country the gas tax increase passed 3 years ago simply went into the general fund for various social programs, and we are denied the ability to deal with that issue standing alone?

Mr. COVERDELL. The Senator is absolutely correct. It was under threat of amendment.

Mr. GORTON. Would the Senator from Georgia agree that we now have before us not only those two together, but also an increase in the minimum wage, the very increase in the minimum wage that the other party has asked for, but at the same time that we deal with that aspect, the questions relating to labor, that we have wanted to ensure that the Senate majority could work its will with respect to the TEAM Act, an act which will authorize the kind of cooperation which is in fact taking place right now in more than 30,000 places of employment throughout the country, in which members of a corporation management and labor can work together for safer conditions, for better productivity, for the creation of production teams and the like, things that are not specifically collective bargaining, and that we have thought it was quite appropriate that we deal with both the minimum wage on one side of the equation and this one as a package and ensure that, if we are going to have one passed along, we would pass the other as well?

Mr. COVERDELL. The Senator from Washington is correct. He is articulating very well the balance here. If we are going to deal with, in my judgment, the old systems of managing the workplace, I think coming to the new century is a wonderful time to begin talking about some of the newer ideas.

Mr. GORTON. Would the Senator from Georgia agree that the only offer—perhaps not offer; demand—demand we have from the minority party is that we deal with these issues in a way in which those that the minority party favors are assured to become law while those that the majority party favors are assured to be vetoed?

Mr. COVERDELL. As I said a moment ago, I could not envision us separating this thing in a form where the President's poison pen versus this poison pill they are talking about could be applied to the issues we want to become law and he could accept the provisions that they want to become law.

Mr. GORTON. Does the Senator from Georgia agree that the rationale for this is that the various labor union bosses find absolutely anathema any proposal which would allow informal arrangements between management and labor that does not go through formal labor unions, and for that reason they are perfectly prepared to filibuster and are filibustering, and the President is perfectly prepared to veto, and will veto a proposal that gives gas tax relief; and the minimum wage increase, if it is accompanied by this modern management technique which so many people, both the management and labor, whatever their devotion to lower taxes, whatever their devotion to a minimum wage increase, they are far less important than preventing the passage of the TEAM Act?

Mr. COVERDELL. Well, I agree. It is a matter of public discourse at this point that the labor bosses in this city have publicly stated that they are going to expend $35 million to destabilize the majority——

The PRESIDING OFFICER. The Chair informs the Senator the time limit has expired.

Mr. GORTON. I ask unanimous consent for another 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. That they will put 100 paid volunteers in some 70 congressional districts. So you do not have to be a rocket scientist to figure out why the other side is scared to death of a procedure or management tool that those labor bosses do not want.

I might add to that, but the employees—as I noted just a moment ago, it was the employees, not management, who came from my State today and yesterday asking for this new vehicle. I think the American worker, unlike the boss system in this city, the American worker wants these flexibilities.

Mr. GORTON. Obviously, because they can only take place with their involvement.

Mr. COVERDELL. That is right.

Mr. GORTON. So those of us who feel that cooperation, rather than confrontation, is the future for America and labor-management relationships, that this is the way we will build more jobs and greater competitiveness, that the only way we can authorize what in fact has been going on until it was determined to be a violation of an act from the 1930's, that the only way that we could bring ourselves into the 1990's or into the 21st century under this set of circumstances is to marry this proposal, which otherwise would be filibustered and vetoed.

Mr. COVERDELL. Being filibustered now.

Mr. GORTON. Is being filibustered and would be vetoed.

The only way we can possibly get it into law is to marry it with something that the other side would like to see passed and let them determine whether or not their expressed devotion to a minimum wage increase is sufficient to overcome their loyalty to these union leaders.

Is it not the opinion of the Senator from Georgia that they have now shown us that their devotion to a minimum wage increase is far less than their devotion to following the dictates of union leaders who say that no relationship between management and labor can take place except through formal labor unions?

Mr. COVERDELL. If this afternoon and whatever we uncovered from the Senator from Kentucky, the sensitivities that were raised here a few minutes ago would suggest that you are right.

Mr. GORTON. I believe that I am. I thank the Senator from Georgia. If I may, I express my own opinion that while I think that a minimum wage increase, at least marginally, would decrease jobs and job opportunities, I nevertheless feel that creating a better overall economy through the TEAM Act is worth a compromise which puts the two of these together and sends it to the President of the United States with the hope that the President would sign them.

I share the regret and opinion of the Senator from Georgia that devotion to the minimum wage increase is no more than lip deep, that it will disappear once anything else of a more balanced nature should appear with it.

It seems to me we should continue to insist that if we are going to do the one, we ought to do the other at the same time and in a way which that poison pen of the White House can accept simply what he wishes and not have to do something which will really improve the economy and labor-management relations in the United States of America.

I thank the Senator from Georgia.

Mr. COVERDELL. Mr. President, I underscore that regarding this proposal, 90 percent of the economists have alluded to the fact that it will cost hundreds of thousands of jobs. The proposal we are talking about is part of a new workplace. It comes from nations that are using it that have become tough competitors of ours. We better start getting modern labor law in place if we are going to compete in the new century.

Mr. MACK. Would the Senator from Georgia be willing to yield for a question?

Mr. COVERDELL. I yield.

Mr. MACK. Would the Senator agree it is possible that our colleagues on the other side of the aisle are filibustering this legislation because, frankly, it is an embarrassment if this 4.3-cent gasoline tax cut were to make its way to the President of the United States?

Again, what I am trying to draw in your mind is a picture of the President of the United States who campaigned in 1992 that he was going to reduce the burden on America's middle-income families. In fact, I think he proposed a tax cut for middle-income families. Then within the first year after he was elected he introduced and enabled the passage of a tax plan that would, in fact, increase taxes on all Americans, part of which was the 4.3-cent gasoline tax.

Now, we are in a situation where we would be saying that we want to give the President an opportunity to keep his campaign promise of 1992, but it puts him in an embarrassing position, because after he got through saying the things he said in 1992, he went ahead and supported the tax increase.

Is it possible our colleagues on the other side of the aisle are engaging in this filibuster to try to protect the President from an embarrassing situation where he will either have to sign into law something that would reverse something he has done, or he will have to veto?

Mr. COVERDELL. Mr. President, I ask unanimous consent we be allowed to finish our colloquy.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. COVERDELL. Yes, there are two promises here. First, the President said he would lower taxes on the middle-class as part of the campaign of 1992. That was substantially reversed. Instead of lowering the economic pressure on America and America's working families, he reversed it and increased the economic pressure with a historic tax increase of which the gas tax is a significant piece.

Second, he said during the same campaign that a gas tax was regressive and would be particularly harmful on the poor and the elderly and should not be imposed, and then reversed that and imposed a new gas tax.

So the debate is about reversing something the President imposed on the country through his leadership in the Congress, and more importantly, reminds us of a promise that was made that was not kept, which is what the Senator from Florida has alluded to.

Mr. MACK. I thank the Senator.

Mr. COVERDELL. I thank the Senator from Florida.

ORDERS FOR THURSDAY, MAY 9, 1996

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 a.m. on Thursday, May 9; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business until the hour of 10 a.m. with Senators to speak for up to 5 minutes each, with the following Senators to speak: Senator BURNS, 5 minutes; Senator DORGAN, 25 minutes; Senator LIEBERMAN, 15 minutes; Senator BRYAN, 10 minutes.

Further, that immediately following morning business, the Senate resume H.R. 2937, the White House Travel Office legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. The Senate will resume consideration of the Whit House Travel Office bill on Thursday. It is also hoped that we may be able to consider H.R. 2137, the Megan's law bill, during tomorrow's session. Again, it is still possible for the Senate to reach an agreement for consideration of gas tax repeal, TEAM Act, minimum wage legislation.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. COVERDELL. If there is no further business to come before the Senate, I now ask that Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Thursday, May 9, 1996, at 9:15 a.m.